

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

MUNICIPAL COUNCIL

COUNCIL MEETING

A G E N D A

- DATE:** February 13, 2012
- TIME:** Immediately Following
Committee of the Whole Planning and Development
- PLACE:** Council Chambers
Oliver Paipoonge Municipal Complex
- PRESIDING:** Mayor L. Kloosterhuis
- MEMBERS OF COUNCIL:** Councillor J. Byers
Councillor E. Collingwood
Councillor B. Kamphof
Councillor A. Vis
- MUNICIPAL OFFICERS:** Jamie Cressman, CAO
Judy Jacobson, Deputy Clerk
- ORDERS OF THE DAY:** OPENING THE MEETING
DISCLOSURES OF INTEREST
ADOPTION OF THE AGENDA
MINUTES OF PREVIOUS MEETINGS
REPORTS OF COMMITTEES
MAYOR'S REPORT
REPORTS OF MUNICIPAL OFFICERS
BY-LAWS
PETITIONS AND COMMUNICATIONS
NEW BUSINESS
ADJOURNMENT

CALL TO ORDER

DISCLOSURES OF INTEREST

ADOPTION OF THE AGENDA

RES THAT with respect to the February 13, 2012, Council Agenda we
1 recommend that the agenda as printed including any additional
information and new business be confirmed.

MINUTES OF PREVIOUS MEETING

Council Meeting

Minutes of Regular Meeting held on January 25, 2012, for approval.

8 – 12

RES THAT the Minutes of the Council Meeting held on January 25, 2012,
2 be approved as submitted.

Discussion on the above noted minutes.

Committee of the Whole
Administration and Operations

Minutes of the Committee of the Whole Administration and Operations Meeting held on
January 25, 2012, for approval.

13 – 20

RES THAT the Minutes of the Committee of the Whole Administration
3 and Operations Meeting held on January 25, 2012, be approved as
submitted.

AND FURTHER THAT all resolutions contained therein are approved as if
passed by Council at a regular or special meeting of Council.

MAYOR’S REPORT

DSSAB

Verbal report from Mayor L. Kloosterhuis relative to the above noted.

Ambassador Program
North of Superior Travel Association

At the January 23, 2012, Council Meeting a letter from Robert Patterson, NOSTA Development Coordinator, requesting a meeting to explain the above noted program was presented.

Verbal report from Mayor L. Kloosterhuis and Councillor A. Vis relative to the meeting held on February 3, 2012. A copy of the Ambassador Program Presentation, distributed separately.

Agriplex

Verbal report from Mayor L. Kloosterhuis relative to the above noted.

CONFERENCE/WORKSHOP REPORTS

REPORTS OF MUNICIPAL OFFICERS

Vested Municipal Property

At the January 25, 2012, Council Meeting, property known as Roll No. 5808240003056100000 was vested to the Municipality. It is now necessary to write off the outstanding taxes.

RES THAT we recommend the taxes for property known as Roll No.
4 24000305610 which has been vested to the Municipality be written off.

Vacancy
Lakehead Source Protection Committee

Letter from Bill Bartley, Chairman, Lakehead Source Protection Authority dated January 26, 2012, relative to the above noted.

RES 5 THAT the Municipality of Oliver Paipoonge appoints the following representative to the Lakehead Source Protection Committee:

BY-LAWS RES 6, 7, 8 & 9

THAT the following By-laws be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

- 1. A By-law to establish standards for the maintenance and occupancy of Property in the Municipality of Oliver Paipoonge, BE APPROVED; 23 – 50

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 670-2012

Letter from Allan G. McKitrick, Q.C., dated January 30, 2012, providing information with respect to the above noted by-law distributed separately.

- 2. A By-law relating to the condition of yards and vacant lands in the Municipality of Oliver Paipoonge, BE APPROVED; 51 – 66

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 671-2012

The above noted by-laws were presented at the January 25, 2012, Council meeting at which time they were deferred to the February 13, 2012, meeting.

- 3. A by-law to fix the remuneration of senior staff members and non union Personnel of the Municipality, BE APPROVED; 67

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 674-2012

Schedule “A” to the above noted By-law distributed under separate cover.

4. A by-law to authorize an Agreement between the Lakehead Rural Planning Board and the Municipality of Oliver Paipoonge, BE APPROVED; 68 – 70

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 675-2012

PETITIONS AND CORRESPONDENCE

Action Items

Advertising in Prize Book
Oliver Agricultural Society 71

Letter from Sylvia Goodheart, Secretary/Treasurer, Oliver Agricultural Society, dated February 3, 2012, requesting the purchase of advertising in their prize book.

Advertising in Prize Book
Hymers Agricultural Society 72 – 73

Letter from Debbie Hoover, Secretary/Donor Liaison Officer, Hymers Agricultural Society, dated January 6, 2012, requesting the purchase of advertising in their prize book as well as seeking donations.

“No Compression Brakes”
Sign on Arthur St West of 25th Side Road 74

Email from Linda Rydholm, Neebing Ward Councillor, City of Thunder Bay, dated February 7, 2012, relative to the above noted.

For Information

2012 Budget
Thunder Bay District Municipal League 75 – 77

Email from Ken Taniwa, Reiring Secretary Treasurer, TBDML, attaching a copy of the 2012 Budget and Apportionment for the Thunder Bay District Municipal League.

	PAGES
<u>Pitch-In Ontario Week</u>	78 – 81
Information relative to the PITCH-IN ONTARIO 45 th PITCH-IN Week anniversary in 2012, requesting we become a patron for \$425.00.	
<u>Organizational Review Implementation Update The District of Thunder Bay Social Services Administration Board</u>	82 – 86
Email from Sandra Legros, Executive Assistant to the CAO, TBDSSAB, dated January 30, 2012, attaching a copy of a memo dated January 18, 2012 and media release dated September 27, 2011, relative to the above noted, for information.	
<u>Newcomer Champion Awards</u>	87
Letter from The Honourable Charles Sousa, Minister, Ministry of Citizenship and Immigration dated January 2012 relative to nominations for the above noted, for information.	
<u>Lincoln M. Alexander Award 2012</u>	88
Letter from The Honourable Charles Sousa, Minister, Ministry of Citizenship and Immigration dated January 2012 relative to nominations for the above noted, for information.	
<u>Quotation – Municipal Counsel Upcoming Budget Deliberations</u>	89 – 90
Letter from Rosalie Evans, Weiler, Maloney, Nelson dated January 27, 2012, relative to an offer to provide a quotation for municipal counsel in upcoming budget deliberations.	
<u>TBDSSAB Early Childhood Educators Coming to Thunder Bay</u>	91
Media Release from the TBDSSAB dated January 27, 2012, relative to the above noted, for information.	
<u>Rural Voices Network</u>	92
Email from Manon Germain, Project Manager, Rural Voices Network dated February 2, 2012, entitled Rural Voices Network Moves Toward Phase 2 of the Project to Better Understand Rural Ontario, for information.	

Transmitter to Carry Out
Development Work for the East-West Tie Line

93 – 98

Notice of Proceeding from the Ontario Energy Board relative to the above noted, for information.

Renewable Energy Production
and the Ontario Green Energy Act

99

Media Release relative to National Farmers Union in Ontario dated February 1, 2012, communication entitled “NFU Position on Renewable Energy Production and the Ontario Green Energy Act”.

Private Members Bill
Paving of Highway Shoulders

100 – 101

Letter from Ashley Mancuso, Council and Committee Services Coordinator, Town of Halton Hills containing the resolution they passed with respect to the above noted, for information.

Appeal Court
Town of Milton

102

Communication from Linda Boyle, Executive Director, Ontario Municipal Insurance Exchange, dated February 8, 2012, relative to a recent decision of the Ontario Court of Appeal involving the Town of Milton.

Ontario 9-1-1 Advisory Board

103 – 105

Memorandum from Ontario 9-1-1 Advisory Board dated February 7, 2012, seeking financial assistance.

TBDSSAB
Employment Services Review

106 – 110

Email from Melissa Harrison, CAO, TBDSSAB attaching reports with respect to the above noted. A copy of the reports will be circulated at the meeting.

NEW BUSINESS

ADJOURNMENT

RES THAT the Council Meeting held on February 13, 2012, be adjourned the hour being
10 _____ p.m.



THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

COMMITTEE OF THE WHOLE
ADMINISTRATION & OPERATIONS

MINUTES

Administration Department
Financial Department
Public Works Department

DATE: January 25, 2012
TIME: 6:30 p.m.
PLACE: Council Chambers
Oliver Paipoonge Municipal Complex
CHAIR: Councillor E. Collingwood
PRESENT: Mayor L. Kloosterhuis
Councillor J. Byers
Councillor B. Kamphof
Councillor A. Vis
MUNICIPAL OFFICERS: Jamie Cressman, Chief Administrative Officer
Judy Jacobson, Deputy Clerk
Margaret (Peggy) Dupuis, Treasurer
Peter Whittington, Public Works Superintendent

CALL TO ORDER

Councillor J. Byers called the meeting to order.

DISCLOSURES OF INTEREST

Councillor J. Byers disclosed an interest with respect to Report No. 2012.04 Rubin Industrial Park Name That Road Contest as his wife entered the contest.

ADOPTION OF AGENDA

Resolution No. 18-2012

MOVED BY Councillor J. Byers
SECONDED BY Councillor A. Vis

THAT with respect to the January 25, 2012, Committee of the Whole Administration and Operations Agenda we recommend that the agenda as printed including any additional information and new business be confirmed.

CARRIED

DEPUTATIONS

King George's Park
Water Supply Agreement

At the Special Council Meeting held on December 19, 2011, Council directed that a meeting be established with the developer in January 2012.

Silvio DiGregorio, Developer and Rob Marasco, Engineering Northwest Ltd. appeared before Council and provided information with respect to the above noted and responded to questions.

MINUTES OF PREVIOUS MEETING

Committee of the Whole
Administration and Operations

Minutes of the Committee of the Whole Planning and Development/Administration and Operations Meeting held on December 12, 2012, for discussion only.

REPORTS OF MUNICIPAL OFFICERS

2011 Year End Report
Fire and Emergency Services

Report No. 2012.05 Fire and Emergency Services 2011 Year End Report, for information.

Mike Horan, Fire Chief was unable to attend the meeting.

Council directed the Report be represented at the February 13, 2012 meeting and that Mike Horan, Fire Chief attend the meeting.

2011 Year End Report
Public Works Department

Report No. 2012.06 Public Works Department 2011 Year End Report, for information.

Peter Whittington, Public Works Superintendent appeared before Council and responded to questions with respect to the Report. It was noted that the Rosslyn Road Drainage project was inadvertently missed from the Report.

Council directed Administration to investigate providing notice to residents regarding placing snow on the roads and highways.

FINANCE DEPARTMENT

List of Accounts

A copy of the List of Accounts as of January 18, 2012, for approval of payment.

Council directed Administration to represent the List of Accounts at the February 13, 2012, meeting.

ADMINISTRATION DEPARTMENT

CAO Report

Report from Jamie Cressman, CAO dated January 17, 2012, attaching the following:

1. Schedule "A" to By-law No. 517-2008 to fix the remuneration of senior staff members and non-union personnel of the Municipality.

Council directed the CAO to provide information with respect to the above noted to the February 13, 2012, meeting.

2. Information on Workshops in the Executive Diploma in Municipal Management.
3. Email from Brandon Baglien, Aon Reed Stenhouse Inc. dated January 17, 2012 relative to the Agriplex insurance.

Rubin Industrial Park
Name That Road Contest

Report No. 2012.04 to provide Council with the submissions received from the Name That Road Contest held in December 2011 for the new road in the Rubin Industrial Park.

Resolution No. 22-2012

MOVED BY Councillor A. Vis
SECONDED BY Mayor L. Kloosterhuis

THAT with respect to Report No. 2012.04 Name That Road Contest we recommend that the two new roads in the Rubin Industrial Park be named as follows:

deHoop Drive and Wideman Drive;

AND THAT the necessary By-law be presented to Council for ratification.

CARRIED

Councillor J. Byers disclosed an interest and refrained from discussing or voting on the above noted as his wife entered the contest.

REPORTS OF COMMITTEES

PENDING ITEMS

List of pending items, for information.

NEW BUSINESS

Township of Connee
Contract for Library Services

At the November 28, 2011, Council Meeting a resolution was passed advising that Council does not support entering into an agreement with the Township of Connee to supply library services.

A revised contract for library services between the Municipality of Oliver Paipoonge Public Library Board and the Township of Connee.

Thunder Bay Veterinary Services Committee

Resolution No. 23-2012

MOVED BY Councillor A. Vis
SECONDED BY Mayor L. Kloosterhuis

THAT the Municipality of Oliver Paipoonge appoints the following representatives to the Thunder Bay Veterinary Services Committee:

Bill Pinner
Peter Aalbers

AND THAT the payment for the 2012 Portion of the Enrollment Fee for the Veterinary Assistance Program in the amount of \$500.00, BE APPROVED.

CARRIED

Resolution No. 24-2012

MOVED BY Councillor J. Byers
SECONDED BY Councillor A. Vis

THAT the Oliver Paipoonge Council approves the CAO participate in the Workshops in the Executive Diploma in Municipal Management being held in Marathon.

CARRIED

ADJOURNMENT

Resolution No. 25-2012

MOVED BY Councillor J. Byers
SECONDED BY Councillor A. Vis

THAT the Committee of the Whole Administration and Operations Meeting held on January 25, 2012, be adjourned, the hour being 9:25 p.m.

CARRIED

Councillor E. Collingwood

Jamie Cressman
Chief Administrative Officer



THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

COUNCIL MEETING

MINUTES

DATE: January 25, 2012

TIME: 9:30 p.m.

PLACE: Council Chambers
Oliver Paipoonge Municipal Complex

CHAIR: Mayor Lucy Kloosterhuis

PRESENT: Councillor J. Byers
Councillor E. Collingwood
Councillor B. Kamphof
Councillor A. Vis

MUNICIPAL OFFICERS: Jamie Cressman, Chief Administrative Officer
Judy Jacobson, Deputy Clerk

CALL TO ORDER

Mayor Lucy Kloosterhuis called the meeting to order.

DISCLOSURES OF INTEREST

No disclosures noted at this time.

ADOPTION OF THE AGENDA

Resolution No. 26-2012

MOVED BY Councillor A. Vis
 SECONDED BY Councillor B. Kamphof

THAT with respect to the January 25, 2012, Council Agenda we recommend that the agenda as printed including any additional information and new business be confirmed.

CARRIED

MINUTES OF PREVIOUS MEETING

Council Meeting

Minutes of Council Meeting held on January 9, 2012, for approval.

Resolution No. 27-2012

MOVED BY Councillor A. Vis
SECONDED BY Councillor B. Kamphof

THAT the Minutes of the Council Meeting held on January 9, 2012,
be approved as submitted.

CARRIED

Discussion on the above noted minutes.

Public Meeting

Minutes of Public Meeting held on January 9, 2012, for approval.

Resolution No. 28-2012

MOVED BY Councillor B. Kamphof
SECONDED BY Councillor A. Vis

THAT the Minutes of the Public Meeting held on January 9, 2012,
be approved as submitted.

CARRIED

Committee of the Whole
Planning and Development

Minutes of the Committee of the Whole Planning and Development Meeting held on January 9, 2012, for approval.

Resolution No. 29-2012

MOVED BY Councillor A. Vis
SECONDED BY Councillor B. Kamphof

THAT the Minutes of the Committee of the Whole Planning and
Development Meeting held on December 12, 2011, be approved as
Submitted;

AND FURTHER THAT all resolutions contained therein are approved as if
passed by Council at a regular or special meeting of Council.

CARRIED

MAYOR'S REPORT

CONFERENCE/SESSION REPORTS

REPORTS OF MUNICIPAL OFFICERS

BY-LAWS

Resolution No. 30-2012

MOVED BY Councillor A. Vis
 SECONDED BY Councillor B. Kamphof

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-Law to regulate the proceedings of Council, BE APPROVED;

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 668-2012

CARRIED

At the January 9, 2012, meeting the by-law deferred pending requested amendments. Memorandum from the Deputy Clerk outlining the amendments.

Resolution No. 31-2012

MOVED BY Councillor B. Kamphof
 SECONDED BY Councillor A. Vis

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

2. A By-law to establish standards for the maintenance and occupancy of Property in the Municipality of Oliver Paipoonge, BE APPROVED;

AND THAT the Mayor and Clerk be authorized to affix their signatures to said by-law.

BY-LAW NO. 670-2012

Resolution No. 32-2012

MOVED BY Councillor B. Kamphof
 SECONDED BY Councillor A. Vis

THAT the By-law to establish standards for the maintenance and occupancy of property in the Municipality of Oliver Paipoonge, BE DEFERRED to the February 13, 2012, Council Meeting.

CARRIED

Resolution No. 33-2012

MOVED BY Councillor B. Kamphof
 SECONDED BY Councillor A. Vis

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

County of Huron
Low Frequency Noise

Letter from Barbara L. Wilson, CMO, County Clerk, County of Huron dated December 21, 2011, containing a resolution approving the findings and recommendations of the LFN Committee.

For Information

2012 Ontario Edition
Communities in Bloom Ontario

January 2012 Issue 1 of the Communities in Bloom Ontario Newsletter, for information.

February 26 – 29, 2012
ROMA/OGRA Combined Conference

Information with respect to the upcoming ROMA/OGRA Combined Conference, for information.

Summary of the Rural Ontario
Municipal Association (ROMA) Discussion Paper

Memo to NOSDA Members from Chris Stewart relative to the Summary of the Rural Ontario Municipal Association (ROMA) Discussion Paper: 'A VOICE FOR RURAL AND NORTHERN ONTARIO' dated November 27, 2011, for information.

AMO Events

Email from the Association of Municipalities of Ontario dated January 16, 2012, providing information with respect to upcoming AMO event dates, for information.

Better Plan, Wisconsin

Email from the 'savethenorwesters' group relative to an open letter from a Wisconsin Farmer relative to the signing of a wind contract.

Highway 11/17 Route Planning Study
Between Kakabeka Falls and Shabaqua Corners

Letter from Gregg Cooke, P.Eng., AVS Managing Principal, Transportation, Stantec dated January 12, 2012 and addressed to Julia Miles, Chair, Kakabeka Falls Highway By-Pass Committee attaching a copy of new maps - alternative (identified as BCD1R) as well as an alternative to BCD4 (identified as BCDR4) and requesting a meeting with the Committee on February 15, 2012.

Council directed Administration to contact Stantec Inc. regarding Council attending the meeting and where the meeting will be held.

InMotion
Rick Hansen Foundation

Email from the Rick Hansen Foundation dated January 16, 2012, addressed to Mayor Lucy Kloosterhuis relative to the above noted.

10:00 p.m. Resolution

Resolution No. 41-2012

MOVED BY Councillor B. Kamphof
SECONDED BY Councillor E. Collingwood

THAT the hour being 10:00 p.m. we continue with the business at hand.

CARRIED

Conmee Library

Resolution No. 42-2012

MOVED BY Councillor E. Collingwood
SECONDED BY Councillor B. Kamphof

THAT the Oliver Paipoonge Council agrees to provide management services for one year on a trial basis to the Conmee Library;

AND THAT each party be allowed to opt out with 30 days notice and the Provincial Library Grant be provided to the Municipality of Oliver Paipoonge.

CARRIED

Salary Structure for Management and Non Union Staff

Council directed Administration to provide the salary grid including vacation allotments of all senior management and non union employees for the February 13, 2012, meeting.

Thank you Letter

Council directed Administration to prepare a form for developing thank you letters to acknowledge volunteers in the community.

ADJOURNMENT

Resolution No. 43-2012

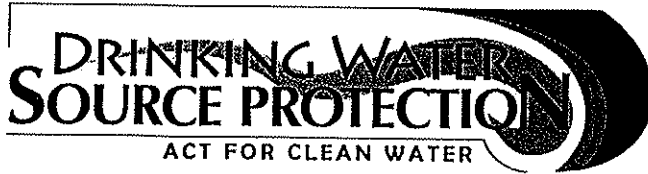
MOVED BY Councillor B. Kamphof
SECONDED BY Councillor J. Byers

THAT the Council Meeting held on January 25, 2012, be adjourned the hour being 10:08 p.m.

CARRIED

Mayor Lucy Kloosterhuis

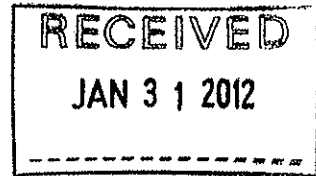
Jamie Cressman
Chief Administrative Officer



LAKEHEAD Source Protection AREA

January 26, 2012

Mr. Jamie Cressman, CAO
Oliver Paipoonge Municipal Office
P.O. Box 10, 4569 Oliver Road
Murillo, Ontario P0T 2G0



Dear Mr. Cressman:

RE: Municipal representative vacancy on the Lakehead Source Protection Committee

This notice is to advise you of the recommendation of the Lakehead Source Protection Authority to have the Municipality of Oliver Paipoonge nominate one (1) Municipal representative to the Lakehead Source Protection Committee. As you may or may not be aware, Veikko Long submitted his letter of resignation to the Lakehead Source Protection Authority on January 24, 2012.

Regulations outlined in the "Clean Water Act, 2006" which passed into law on July 3, 2007, called for the formation of a Source Protection Committee for the Lakehead Source Protection Area, as part a province wide initiative to protect the sources of Municipal drinking water. Ontario Regulation 288/07 requires that Source Protection Committees be made up of the sectoral interests of defined watersheds with Municipalities representing one-third of the Committee seats. It is recommended that Municipal representatives should have a strong technical background and a thorough understanding of their Municipal drinking water system and the science involved in drinking water delivery and waste water treatment.

The Lakehead Source Protection Committee will oversee a science-based planning process to establish programs and policies to protect the two Municipal drinking water sources in the Lakehead Source Protection Area. The two sources are the Bare Point Intake for the City of Thunder Bay and the Rosslyn Village Wellhead in the Municipality of Oliver-Paipoonge. The Committee was charged with developing three key documents to guide the process over a proposed five-year term. The documents include a Terms of Reference (work plan) approved on May 25, 2009, and the Assessment Report (threats to water source), which was approved on June 21, 2011. The Source Protection Plan (currently in the Public Consultation stage) has a target submission date of June 2012.

The composition of the Lakehead Source Protection Committee, by Regulation, consists of ten (10) Members including the Chair and an open seat for a First Nation Member for a total of eleven (11). The Committee Chair, Bob Hartley, has been appointed by the Minister of Environment.

As proposed by the Lakehead Source Protection Authority on July 30, 2007, the Lakehead Source Protection Committee consists of three Municipal Members, three Industry/Economic Sector Members (Thunder Bay Port Authority, Forest Industry and Agriculture) and three Public and

Other Interests Sector Members (Education, Tourism and General Public) on the Lakehead Source Protection Committee.

Obligations of a Source Protection Committee Member

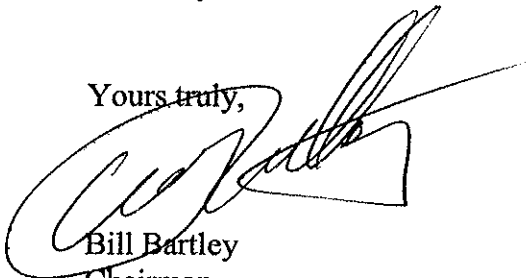
- A three to five year commitment to participate.
- Must comply with the Source Protection Committee's Code of Conduct and Conflict of Interest Policy.
- Start in March 2012 and meet monthly with additional public meeting and training sessions as required.
- Act as liaison to bring forward common concerns from their knowledge and experience in their sector to the Committee.
- Communicate the Committee's work back to their sector.
- Make decisions at the Committee table.
- Respect and abide by the process to safeguard confidential information.
- Serve on/participate in the province-wide Committees either on special issues or events as a representative of the Committee at the request of the Chair.

Members will be paid a per diem and travel expenses will be covered through funding provided by the Ministry of the Environment for Source Protection Planning.

It is requested that your Municipality submit the name of one candidate, in writing, to the Lakehead Source Protection Authority no later than **4:30 p.m. on March 27, 2012**. In order to avoid quorum issues at the March 7, 2012 SPC Meeting, it would be greatly appreciated if the Municipality could expedite this process.

If you require any additional information, please contact Mervi Henttonen, General Manager-Secretary/Treasurer or Julie Beach, Source Protection Manager at 807-344-5857.

Yours truly,



Bill Bartley
Chairman
Lakehead Source Protection Authority

/jab

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

BY-LAW NO. 670-2012

A by-law to establish standards for the maintenance and occupancy of property in the Municipality of Oliver Paipoonge.

WHEREAS Subsection 15.1 (3) of the Building Code Act, S.O. 1992 provides that the Council of the Municipality may pass a By-Law to do the following things if an Official Plan that includes provisions relating to property conditions is in effect in the Municipality:

1. Prescribing standards for the maintenance and occupancy of property within the Municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition.

AND WHEREAS the requisite Official Plan is in effect in the Municipality of Oliver Paipoonge;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE HEREBY ENACTS AS FOLLOWS:

ARTICLE 1.00: APPLICATION AND INTERPRETATION

1.01 Application

This By-law prescribes standards for the maintenance and occupancy of Property within the Municipality of Oliver Paipoonge. This By-law applies to all Property within the Municipality of Oliver Paipoonge.

1.02 Higher Standards deemed to be Prescribed

Where another By-Law in force in the Municipality of Oliver Paipoonge establishes higher standards than those expressly set out herein, such higher standards shall be deemed to be prescribed in this By-Law and such standards may be enforced under either or both of this By-Law and such other By-Law.

1.03 Definitions

Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section 1.03. Wherever a term below appears in the text of this by-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

“**Accessory Building**” means either a Building or a Structure, the use of which is incidental to that of the main Building situated on the same property, provided that Building or Structure is not used for human habitation.

“**Adequate and Suitable Heat**” means a minimum air temperature within a Dwelling Unit of twenty-one (21° C) degrees Celsius, or seventy (70° F) degrees Fahrenheit. To meet the definition, the heating system involved must be capable of maintaining those temperatures at one point five (1.5 m) metres or five (5 ft) feet above the floor level, in all Habitable Rooms.

“**Adequate and Suitable Supply of Hot Water**” means a supply of hot water at the ordinary temperature of at least forty-nine (49° C) degrees Celsius, or one hundred twenty (120° F) degrees Fahrenheit, in a quantity of at least one hundred sixty-five (165 l) litres, or thirty-six (36 gal) gallons, for fifteen (15) minutes with a minimum recovery rate of forty-five (45 l) litres, or ten (10 gal) gallons, per hour at the above-mentioned temperature.

“Adequate and Suitable Supply of Potable Water” means a continuous and uninterrupted supply of Potable Water of sufficient quantity for normal use of kitchen and/or cooking and/or dining facilities.

“Adequate and Suitable Supply of Water” means a continuous and uninterrupted supply of water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities.

“Areaway” means an underground Structure used for the convenience of the adjacent Building it serves. It is built separately, or attached to the Building that it serves, and is built below ground. All or some of the Structure may be exposed at ground level. Examples of Areaways include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices.

“Basement” means one or more storeys of a Building located below the First Storey.

“Building” means a Structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment.

“By-law” means this By-law, including its recitals and schedules, which form integral parts of it, as amended from time to time.

“Committee” means the Property Standards Committee established by this By-law.

“Corporation” means The Corporation of the Municipality of Oliver Paipoonge, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.

“Debris” means refuse, waste, discarded materials or garbage of any kind whatsoever. The term includes the following, whether of value or not:

- (a) accumulations of litter, remains, rubbish, trash;
- (b) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
- (c) paper;
- (d) cartons;
- (e) dilapidated furniture;
- (f) crockery, glass, cans, containers;
- (g) garden refuse and trimmings;
- (h) material from or for construction and demolition projects;
- (i) domestic and industrial waste;
- (j) dead or dying trees, branches, leaves or shrubs;
- (k) Inoperative Motor Vehicles;
- (l) Motor Vehicle parts;
- (m) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- (n) earth or rock fill;
- (o) clothing or other household linens lying in an unprotected condition;
- (p) objects or conditions that may create a health, fire or accident hazard; and
- (q) animal feces.

“Dwelling” means a Building or Structure occupied or capable of being occupied for the purpose of human habitation. The term includes: a Building containing only one Dwelling Unit, as well as Buildings that contain more than one Dwelling Unit. Further, the term includes any Building that would be used for this purpose except for its state of disrepair.

“Dwelling Unit” means a Building used as a residence by one or more persons. A Dwelling Unit usually contains: cooking, eating, living, sleeping and sanitary facilities.

“Fence” means a linear barrier erected, growing or maintained on land in the Municipality of Oliver Paipooonge and includes a hedge, free standing wall, structure or partition of any material or combination of materials enclosing, partly enclosing or dividing land, or being used for decorative purposes.

“Final Order” means an Order that has become final and binding under the Property Standards provisions of the *Building Code Act*, in circumstances where a hearing by the Committee was requested. In circumstances where no hearing was requested, the term refers to the Order as issued in final form by the Municipal Law Enforcement Officer.

“First Storey” means that part of a Building having a floor area closest to grade, with a ceiling height of more than one point eight (1.8 m) metres, or six (6.0 ft) feet above grade.

“Front Yard” is defined below within the definition of “Yard”.

“Ground Cover” means material applied to prevent the erosion of the soil. The term includes: materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

“Guard” means a protective barrier installed to prevent accidental falls from one floor or stair level to another. The barrier may or may not have openings through it. The barrier must be rigid in construction.

“Habitable Room” means any room in a Dwelling Unit designed to be used for living, sleeping, cooking or eating purposes. The term does not include: bathrooms, laundry rooms, pantries, lobbies, corridors, halls, attics, stairways, closets, boiler rooms, other spaces for service or maintenance of the Dwelling or access to or vertical travel between floors of the Dwelling.

“Hazard” means Property that is in an Unsafe Condition or that constitutes a fire risk.

“Hygienic Supplies” means: toilet paper, soap and individual towels or other means of drying hands.

“Inoperative Motor Vehicle” means a Motor Vehicle which may not be lawfully operated upon a highway under the *Highway Traffic Act* for any of the following reasons:

- (a) there is not in existence a currently validated permit for the vehicle;
- (b) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the *Highway Traffic Act* showing the permit number issued for the vehicle;
- (c) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit; or
- (d) the vehicle is damaged to the extent that it cannot be driven, is in a wrecked or dismantled condition or has had its source of motor power removed.

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act*.

“Municipal Law Enforcement Officer” means any person duly appointed to enforce the provisions of this By-law, any Police Officer and any Fire Prevention Officer and/or Platoon Chief.

“Non-Habitable Room” means any room in a Dwelling that does not meet the definition of Habitable Room.

“Non-Residential Property” means any Property that does not meet the definition of Residential Property. Where a particular Property has both residential and non-residential uses at the same site, those portions of the Property which meet the definition of “Residential Property” must comply with the Residential Property Standards in Article 3.00 of this By-law, and those portions of the Property which meet the definition of “Non-Residential Property” must abide by the Non-Residential Property Standards in Article 5.00 of this By-law.

A **“Nuisance”** is a condition or use of Property which unreasonably interferes with the lawful use of another person’s Property. It typically involves an injurious, offensive or objectionable condition. Examples include:

- (a) emissions of smoke, gas, fumes, dust, or sawdust;
- (b) objectionable odours; or
- (c) the unsightly storage of goods, wares, merchandise, Debris or other material.

For clarity, a condition or use of Property in some situations can be considered a Nuisance where in other situations the same condition or use of Property is not considered a Nuisance. Proximity to neighbouring Property and/or particular uses of neighbouring Land will have an impact on whether or not a certain condition or use of Property constitutes a Nuisance. Further, the context of the Property in question can impact whether or not its condition or use is a Nuisance. Persons living in urban areas must accept a certain level of disturbance as incident to life in an urban area without that disturbance being considered to be a Nuisance.

“Occupant” means any person or persons over the age of 18 years in possession of the Property;

“Oliver Paipoonge” means the geographic area within the limits of the Corporation.

“Order” means an order issued by a Municipal Law Enforcement Officer under the Property Standards provisions of the *Building Code Act*.

“Owner” includes,

- (a) 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 the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- (b) 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.
 (“propriétaire”)

“Passage” means a route for the movement of persons from the interior of a Dwelling Unit to the ground level of the exterior of the Building within which the Dwelling Unit exists.

“Potable Water” means water meeting all Provincial standards for drinking water.

“Professional” means an engineer, architect, or other person with credentials required by the circumstance, who is accredited as such in a manner satisfactory to the Municipal Law Enforcement Officer.

“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;

“Rented Dwelling Unit” means a Dwelling Unit, whether self-contained or not, that is occupied as a residence by someone other than the Owner of the Property on which it exists, whether or not the Occupant pays anything for the right of occupancy. The

term does not include seasonal vacation Property including camps, cottages, trailers, and cabins unless same are occupied on a year-round basis.

“Rear Yard” is defined below within the definition of “Yard”.

“Repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-Law;

“Residential Property” means Property that is occupied by at least one person as his or her residence.

“Side Yard” is defined below within the definition of “Yard”.

“Structure” means anything other than a Building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, signs, Swimming Pools, and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks or retaining walls.

“Swimming Pool” shall mean and include any body of water used for swimming or wading contained in part or in whole by artificial means, constructed above or below the grade level of the surrounding land and having a depth of more than 610 mm at any given point.

“Unsafe Condition” is a descriptive phrase for Property that is in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the Property in question.

“Unsafe Container” means any container having a volume of greater than one-half (0.5 m³) cubic metre or eighteen (18 ft³) cubic feet, which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.

“Vacated Property” means Property containing buildings or structures which are not regularly occupied or regularly used by the Owner or by any authorized Occupant.

“Vacant Property” means Property which has no buildings or structures on it.

“Vermin” means mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Without limitation, examples include: skunks, rats, termites, poisonous insects or reptiles, moths, and mice.

“Yard” means the Property on the same lot as a building or structure. For the purposes of this By-law, the term also includes: patios, decks, balconies, verandahs, porches, sporting areas (including: riding paddocks, badminton or tennis courts, croquet or soccer pitches, etc.) and similar structures.

A “Front Yard” is the Yard that is between the front wall of the main building on the Property and the street line. The Front Yard extends across the entire width of the Property, extending to the boundary out from the building wall.

A “Rear Yard” is the Yard that is between the rear wall of the main building on the Property and the rear property line. The Rear Yard extends across the entire width of the Property, extending to the boundary out from the building wall.

A “Side Yard” is the Yard that is between any side wall of the main building on the Property and the side property line that wall faces. The Side Yard is contained between the Rear Yard and the Front Yard.

1.04 Specific Interpretation Rules

(a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

(b) This By-law is to be read with all changes of gender or number required by the context.

(c) The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them.

(d) The term “used” when referring to Property, Building or Structures is interpreted as including

"intended to be used".

(e) Reference to a Building or Structure or Yard or Property includes that Building, Structure, Yard or Property in whole or in part.

(f) Dimensions specified in metric units are the official dimensions. Imperial dimensions are provided solely for convenience.

(g) In this By-law, the word "metre" may be represented by the abbreviation "m", the word "centimetre" may be represented by the abbreviation "cm", the word "feet" may be represented by the abbreviation "ft", and the word "inches" may be represented by the abbreviation "in".

(h) Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.

(i) Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

1.05 Legislation

References to legislation in this By-law are printed in Italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the Ontario Building Code, which is Regulation 350/06 passed under that statute.

1.06 Severability

If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

**ARTICLE 2.00: GENERAL STANDARDS FOR ALL PROPERTY WITHIN
OLIVER PAIPOONGE**

2.01 Application of Standards

The standards set out in this Article 2.00 apply to all Property within Oliver Paipoonge, regardless of its use, unless another specific Article of this By-law provides a different standard for a particular property use.

2.02 Exemption for Normal Farm Practices

This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, from carrying out a normal farm practice.

2.03 General Duty to Repair and Maintain Land

(a) The occupancy or use of Property that does not conform with the standards prescribed in this By-Law is prohibited.

(b) Property that does not conform with the prescribed standards shall be repaired and maintained to conform therewith by the Owner or the site shall be cleared of all buildings, structures, debris and refuse and left in graded and leveled condition by the Owner.

(c) All repairs and maintenance of Property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned and is as required by law and, without restricting the generality of the foregoing, all new construction or repairs shall conform to the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, and the *Electricity Act, 1998*, where applicable.

2.04 Prohibition Against Renting Property That Does Not Meet Standards

No Owner of Property shall permit the use or occupancy of, and/or rent or lease to, and/or offer to rent or lease to, another person, any Property that does not conform to the provisions of this By-law.

2.05 Structural Adequacy

(a) Every Owner of a Building or Structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.

(b) If, in the opinion of a Municipal Law Enforcement Officer, there is doubt as to the structural condition and adequacy of a Building or Structure, the Municipal Law Enforcement Officer may order that the Building or Structure be examined by a Professional, at the Owner's expense, and that the Professional provide a written report. The written report, including drawings, signed and sealed by the Professional, and giving details of the findings of the examination, shall be submitted to the Municipal Law Enforcement Officer.

(c) Examination and testing of any Building or Structure shall be conducted in a manner acceptable to the Municipal Law Enforcement Officer and at the Owner's expense.

(d) Details and drawings of all temporary shoring or other work deemed necessary by the Professional shall be included with the report required by Subsection 2.05(b) above.

(e) All remedial or temporary work recommended by the Professional shall be completed by the Owner in the manner and within the time which shall be specified by the Municipal Law Enforcement Officer.

(f) On completion of all of the work, the Owner shall cause a report signed and sealed by the Professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the Municipal Law Enforcement Officer.

2.06 Structural Requirements

(a) Every Owner of a Building or Structure shall maintain the interior floors, ceilings and walls in a manner free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a Basement or crawl space floor.

(b) Every Owner of a Building or Structure shall maintain the foundation walls of that Building so as to prevent the entrance of excessive moisture.

(c) Every Owner of a Building or Structure, excepting those constructed with slab-on-grade construction, shall maintain foundation walls or piers which extend below the frost line, or to solid rock.

2.07 Detail for Section 2.06(a)

The maintenance required by Subsection 2.06(a) includes but is not limited to: the shoring of the walls to prevent settling, installing sub-soil drains, where necessary, at the footings, grouting masonry cracks, and damp-proofing and waterproofing walls, joints and floors.

2.08 Exterior Building Requirements

Every Owner of a Building shall:

- (a) keep walls, roofs and other exterior parts of that Building free from loose or improperly-secured objects or materials;
- (b) keep walls, roofs and other exterior parts of that Building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;
- (c) treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or Vermin;
- (d) maintain the exterior walls of that Building, and their components, free of unauthorized signs, painted slogans, graffiti and similar defacements;
- (e) maintain the roof of that Building, including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the Building;
- (f) maintain the roof of that Building, and all Accessory Buildings, so that they are kept clear of dangerous accumulations of ice and/or snow;
- (g) maintain every chimney of that Building, together with the components of that chimney, free from loose bricks and mortar, or any other defects;
- (h) maintain the flu and flu pipes of the chimney in accordance with the *Fire Protection and Prevention Act, 1997*;
- (i) maintain every stairway, fire escape, balcony, porch, landing or canopy so as not to be in an Unsafe Condition, and so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects;
- (j) maintain all windows, doors, skylights and Basement hatchways of that Building in good repair, weather-tight and reasonably draught-free, to prevent infiltration by the elements;
- (k) provide adequate lighting for all parking spaces; and
- (l) maintain finished exterior surfaces so that no more than twenty-five (25%) percent of the finish on any area of any exterior wall is blistered, cracked, flaked, scaled, or chalked away.

2.09 Exemption from Subsection 2.08(d)

Subsection 2.08(d) does not apply to prevent graffiti, signs and painted slogans which have otherwise been permitted under a by-law or other authority of the Corporation.

2.10 Detail for Subsection 2.08(e)

Maintenance in Subsection 2.08(e) includes but is not limited to: repairing the roof, fascia board, soffit, cornice, and flashing; applying waterproof coatings; and installing or repairing eave troughs and rain water piping.

2.11 Detail for Subsection 2.08(i)

Maintenance in Subsection 2.08(i) includes but is not limited to: repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose; repairing, renewing or supporting structural members that are rotted, deteriorating or loose; and painting.

2.12 Detail for Subsection 2.08(j)

Maintenance in Subsection 2.08(j) includes but is not limited to: painting; the application of preservative; renewing or replacing rotten or damaged doors, door frames, window frames, sashes and casings; refitting doors and windows; weather stripping; and replacing broken window and door glass and defective door and window hardware.

2.13 Building Requirements for Elements that May Be Exterior or Interior

Every Owner of a Building containing at least one Dwelling Unit shall:

- (a) install and maintain a handrail on the open side of any stairway or ramp containing three (3) or more risers (including the landing) of a height of six hundred (600 mm) millimetres or twenty-four (24 in) inches between adjacent levels; and
- (b) install and maintain Guards around openings in floor areas and on the open sides of stairways or ramps with three (3) or more risers (including the landing), landings, balconies, mezzanines, porches, galleries, raised walkways, and other locations, as required.

2.14 Property Damage

(a) A Building or Structure which is damaged from any cause whatsoever, including, without limitation, accident, natural causes or vandalism, shall be demolished or repaired by the Owner as soon as is practicable, subject to Subsection 2.14(b).

(b) Where the damage referenced in Subsection 2.14(a) resulted in the Property being in an Unsafe Condition, immediate steps shall be taken by the Owner to prevent or

remove that Unsafe Condition. The Building or Structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out, in accordance with Subsection 2.14(a).

(c) Where the damage referenced in Subsection 2.14(a) involves exterior surface defacing by smoke, water or other causes, the Owner shall remove the defaced material, and shall refinish the area in a manner acceptable to the Municipal Law Enforcement Officer.

2.15 Retaining Walls

Owners or Occupants of Property which contains retaining walls shall maintain those retaining walls in a manner which does not:

- (a) adversely affect the safety of the public;
- (b) adversely affect the safety of vehicular or pedestrian traffic;
- (c) constitute an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interfere with the use of a highway, public sidewalk or lane.

2.16 Hazard Prevention

The Owner of Property shall keep that Property in good repair so as to prevent Hazards.

2.17 Defaced Buildings and Structures

The Owner of Property shall keep Buildings and Structures on that Property free of unauthorized signs, painted slogans, graffiti and similar defacements.

2.18 Exemptions from Section 2.17

Section 2.17 does not apply to prevent graffiti, signs and painted slogans, which have otherwise been permitted under a By-law or other authority of the Corporation.

2.19 Buildings, Structures & Retaining Walls – Surface Treatment

The Owner of Property shall treat the surfaces of Buildings and Structures on that Property with appropriate weather-resistant materials, including paint or other suitable preservatives.

2.20 Exemption from Section 2.19

The requirements of Section 2.19 do not apply if the material used in construction of the Structure is inherently resistant to deterioration.

2.21 Parking Areas and Driveways

The Owner of Property which are used for vehicular traffic and parking shall maintain and keep in good repair those parts of the Property used for same with a surface covering of asphalt, concrete, or compacted stone or gravel. Further, the Owner must keep these areas in good repair.

2.22 Lighting of Yards

Owners and Occupants who erect or maintain lights to illuminate any Yard, or objects within the Yard, such as signs, shall arrange, install, design and maintain the lights so as to deflect away from abutting Property which are used for residential purposes.

Alternatively, they may provide and maintain effective barriers to prevent the light from lamp standards, signs, and other sources from shining directly into a Dwelling Unit on neighbouring property.

2.23 Steps, Walkways, Pedestrian Areas

The Owner of any Property shall maintain steps, walkways, sidewalks and other areas intended for use by pedestrians in a manner which affords safe passage under normal use and normal weather conditions, day or night.

2.24 Swimming Pools

Every Owner of Property upon which a Swimming Pool exists shall maintain that Swimming Pool:

- (a) in a clean and safe condition;
- (b) free from leaks and faulty components and equipment; and
- (c) in conformity with all other by-laws of the Corporation relating to Swimming Pools.

2.25 Exemption from Section 2.24

Section 2.24 does not apply to Swimming Pools regulated under the *Health Protection and Promotion Act* (Public Pools Regulation).

2.26 Pest Prevention

Every Owner and Occupant of Property shall:

- (a) keep the Buildings and Structures free of Vermin at all times; and
- (b) keep all openings of Buildings containing Dwelling Units that might permit the entry of Vermin appropriately screened or sealed.

2.27 Connections to Municipal Sanitary Sewer Services

Where Property is serviced by the Corporation's sanitary sewer system, the Owner of that Property shall make and maintain the connections to the sanitary sewer system properly in accordance with the Corporation's standards.

2.28 Use of Municipal Sanitary Sewer Services

Where Property is serviced by the Corporation's sanitary sewer system, the Owner of that Property shall connect all operating toilets on the Property so that they drain into the sanitary sewer system.

2.29 Restriction Against By-pass of Sanitary Sewer Services

Where Property is serviced by the Corporation's sanitary sewer system, the Owner of that Property shall not use any toilet, vault, well or cesspool that is not connected with the sanitary sewer system.

2.30 Exemption from Section 2.29

Section 2.29 does not restrict the temporary use of portable outdoor washroom facilities which contain all waste for future proper disposal.

2.31 Discharge of Sewage

Where Property is serviced by the Corporation's sanitary sewer system, the Owner of that Property shall not discharge sewage of any kind onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

2.32 Prevention of Ponding

The Owner of a Building or Structure shall provide a roof drainage system and, where necessary, a sump pit system and other measures, so configured, installed and maintained as to prevent recurrent ponding of water on the Property or on neighbouring Property whether directly abutting or not, including, without limitation, ditches, highways, boulevards and sidewalks.

2.33 Prevention of Trespass

The Owner of a Building or Structure shall provide a roof drainage system and, where necessary, sump pit system and other measures, so configured, installed and maintained as to prevent roof water or sump pump discharge from depositing on any neighbouring Property, whether directly abutting or not, including ditches, highways, boulevards and sidewalks.

2.34 Rain Water Leader – Disconnection from Sanitary Sewer

The Owner of a Building or Structure that is equipped with rain water leaders shall prevent the rain water leaders from discharging or draining into the Corporation's sanitary sewer system.

2.35 Prevention of Drainage Into Building

The Owner of a Building or Structure that is equipped with rain water leaders shall prevent the rain water leaders from creating a concentrated flow of water which may penetrate the Building or Structure.

2.36 Garbage Disposal - Adequacy

Every Owner of Property that is occupied shall provide a sufficient number of receptacles to contain all refuse that accumulates on the Property between the regularly-designated collection days. This is a requirement whether or not the Corporation provides refuse collection services to the Property in question.

2.37 Garbage Disposal – Receptacle Requirements

To meet the requirements of Section 2.36, the receptacles provided by the Owner shall be so constructed as to be free of holes, breaks or cracks, and must have smooth surfaces with finishes that are impervious to water.

2.38 Garbage Disposal – Cleanliness Requirements

Every Owner of Property shall maintain the receptacles required by Section 2.36 so that they remain free of holes, breaks or cracks, and are cleaned and disinfected regularly to prevent odours and/or Hazards.

2.39 Garbage Disposal – Municipal Collection

Where the Corporation provides Property with refuse collection services, the Owner and Occupant shall place all refuse in a suitable container, which is made available for removal in accordance with the Corporation's applicable by-laws and policies.

2.40 Garbage Disposal – Nuisance Prevention

Where the Owner or Occupant of Property stores refuse out-of-doors, he or she shall provide an effective container or barrier that prevents waste, wrappings, Debris, and the like from encroaching onto, or escaping onto, abutting or neighbouring Property.

2.41 Air Conditioner – Maintenance

Owners and Occupants of Property with installed air conditioning units of any size or type shall maintain the units and their associated mechanical ventilating, electrical systems and any supporting structures in good repair and in a safe condition.

2.42 Air Conditioner – Condensation Control

Owners and Occupants of Property with installed air conditioning units of any size or type shall equip the units with adequate devices to prevent condensation from the use of the system from draining onto areas which pedestrians are reasonably expected to use.

Owners and Occupants of Property with installed air conditioning units of any size or type must equip the units with adequate devices to prevent condensation from the use of the system from draining onto abutting Property.

2.43 Electrical Service

The Owner of Property shall install and maintain the electrical wiring and all electrical fixtures located or used on the Land in good working order and in conformity with the *Electricity Act, 1998*.

2.44 Property to be Kept Free from Debris

(a) The Owner and Occupant of Property shall keep it clean and free from Debris, whether or not the Debris was placed on the Property by the Owner or the Occupant or by a person with or without the permission of the Owner or Occupant.

2.45 Exemption

Nothing in Section 2.44 prohibits the disposal of Debris on any Property which has been lawfully designated and/or licensed for that purpose by the Corporation or another authority with jurisdiction.

2.46 Inoperative Motor Vehicles and Parts

Property shall not be used by the Owner or Occupant for the storage of Inoperative Motor Vehicles or parts of Motor Vehicles, except in compliance with Section 2.47 of this By-law.

2.47 Storage of Inoperative Motor Vehicles and Parts Permitted

The storage of Inoperative Motor Vehicles and/or Motor Vehicle parts is not prohibited where:

- (a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;
- (b) the Motor Vehicle and/or parts are stored in an enclosed building; or
- (c) the storage is of a single Motor Vehicle and/or single set of parts which is or are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.

2.48 Property to be Kept Free from Hazards

(a) The Owner and Occupant of Property shall not allow an Unsafe Condition to arise or continue thereon.

2.49 Unsafe Containers

The Owner and Occupant of Property shall not place, keep or store Unsafe Containers thereon.

2.50 Exemption

Section 2.49 does not prevent the keeping or storage of an operational air-tight appliance in a Yard by an Owner or Occupant where:

- (a) self-latching or self-locking devices have been removed; and
- (b) unauthorized opening of the appliance is prevented through an external locking device; and
- (c) the appliance is kept locked at all times, except when under the direct and immediate supervision of an adult person.

2.51 Holes, Excavations and Trenches

The Owner and Occupant of Property shall prevent the existence or continuance on the Property of any holes, pits, excavations or trenches which create an Unsafe Condition.

2.52 Exemption from Section 2.51

Despite Section 2.51 the existence or continuance on Property of any holes, pits, excavations or trenches is permitted, provided the Property, or the hole, pit, excavation or trench on the Property, is secured so as to prevent accidents or injury.

2.53 Grass To be Kept Trimmed

The Owner and Occupant of Property shall keep the grass and weeds upon the Property trimmed so as not to exceed twenty (20 cm) centimetres or eight (8 in) inches in height.

2.54 Undergrowth

The Owner and Occupant of Property shall not allow undergrowth to develop on the Property which is inconsistent with the surrounding environment.

2.55 Vegetation & Landscaping Features

The Owner or Occupant of Property shall eliminate vegetation or landscaping features on that Property which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interferes with the use of a highway, public sidewalk or lane.

2.56 Ground Cover Requirement

The Owner and Occupant of Property shall cultivate it, or, alternatively, protect the soil thereof from erosion using Ground Cover.

2.57 Caution With Respect to Section 2.56

Owners and Occupants are advised to review all applicable legislation and the Corporation's other by-laws and policies with respect to Ground Cover before determining which type of Ground Cover to employ in order to comply with Section 2.56. There may be requirements for a certain amount of permeable Ground Cover (as opposed to concrete or other impermeable Ground Cover). Compliance with Section 2.56 of this By-law does not excuse non-compliance with the requirements of other by-laws or policies.

2.58 Erosion

Owners and Occupants of Property shall not allow mounds of earth, sand, gravel or like materials to be exposed to erosion.

2.59 Ponding of Storm Water

The Owners and Occupants of Property shall keep the Property graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

2.60 Drainage

The Owners and Occupants of Property shall not allow a system of drainage from any source which allows water to pond on the Property or on neighbouring Property whether directly abutting or not, and including, without limitation, ditches, highways, boulevards and sidewalks.

2.61 Fences

The Owner and Occupant of Property shall not erect or maintain a Fence thereon in a manner which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities including water valves;
- (e) interferes with the use of a highway, public sidewalk or lane; or
- (f) is not in conformity with all other By-Laws of the Corporation relating to Fences.

2.62 Fences – Hazard Prevention

The Owner and Occupant of Property shall maintain Fences thereon so that they are not in an Unsafe Condition.

2.63 Fences – Defaced

The Owner and Occupant of Property shall not maintain or allow signs, painted slogans, graffiti and similar defacements on any Fence on the Property.

2.64 Exemptions from 2.63

Section 2.63 does not apply to prevent graffiti, signs and painted slogans, which have otherwise been authorized under a by-law of the Corporation.

2.65 Fences – Surface Treatment

The Owner and Occupant of Property shall treat the surfaces of Fences thereon with appropriate weather-resistant materials, including paint or other suitable preservatives. This requirement does not apply if the material used in construction of the Fence is inherently resistant to deterioration.

2.66 Composting Rules

All compost is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract Vermin or other animals to the compost.

Compost piles shall be no larger than:

(a) one (1 m³) cubic metre or three and one quarter (3.25 ft³) cubic feet in volume, and

(b) one point eight (1.8 m) metres or five point nine (5.9 ft) feet in height.

Compost must be enclosed on all sides by concrete blocks or lumber, or be maintained within a two hundred and five (205 l) litre or forty-five (45 gal) gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

2.67 Improper Composting

The Owner and Occupant of Property shall not undertake composting or allow compost to be or continue on the Property in a manner contrary to that set out in Section 2.66.

2.68 Exemption

Sections 2.66 and 2.67 do not apply to composting undertaken on Property exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size, provided the composting activity takes place more than fifty (50 m) metres or one hundred sixty four (164 ft) feet from a building which is used as a residence and whether or not such building is situate on the same Property.

2.69 Rules for Domestic Storage of Materials In Rear and Side Yards of Residential Property

The rules in this Section 2.69 apply to the domestic storage of materials including, without limitation, firewood, building materials and garden equipment, in either a Rear Yard or a Side Yard of Residential Property.

The storage of these materials shall not exceed twenty-five (25%) percent of the area of the Yard in which it is being stored.

The storage shall be undertaken through the use of neat piles.

The storage shall be undertaken in a manner which does not create an Unsafe Condition.

2.70 Improper Domestic Storage of Materials in Rear or Sideyards

(a) The Owner and Occupant of Property shall ensure that there is no domestic storage of materials in a Rear Yard or a Side Yard in a manner contrary to that prescribed in Section 2.69.

2.71 Storage of Domestic Materials Prohibited in Front Yard

The Owner and Occupant of Property shall ensure that there is no domestic storage of materials in a Front Yard of Residential Property.

2.72 Exemptions

Sections 2.69, 2.70 and 2.71 do not apply to Property exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size.

Sections 2.69, 2.70 and 2.71 do not apply to prevent the temporary storage of materials or Debris resulting solely from the construction, demolition or alteration of a building, provided that:

(a) it is removed frequently and in its entirety from the Land; and

(b) it does not cause an Unsafe Condition.

ARTICLE 3.00: ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

3.01 Application of Standards

Standards within this Article 3.00 apply to all Residential Property, in addition to the standards in Article 2.00 of this By-law. Where there is a conflict between standards in Article 2.00 of this By-law and the standards in this Article 3.00, then, with respect to Residential Property, the standards in this Article 3.00 prevail.

3.02 Interior Building Requirements

Every Owner of a Building containing at least one Dwelling Unit shall:

- (a) maintain every floor, wall, ceiling and fixture of that Building in a clean, sanitary and safe condition;
- (b) maintain every wall, ceiling and floor in a Dwelling in good Repair so as to provide a continuous surface free of holes, large cracks, loose coverings or other defects;
- (c) maintain the walls surrounding showers and bathtubs in that Building so that they are impervious to water;
- (d) maintain every ceiling, both sides of an interior wall and the interior side of an exterior wall in that Building so as to be covered with a durable material that is resistant to cracking, scratching or breaking, or, alternatively, regularly paint or decorate so as to provide a finished surface which can be easily cleaned;
- (e) maintain every floor in that Building so that it is reasonably smooth and level and free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of Vermin;
- (f) maintain any floor in that Building that is covered with linoleum or a similar covering, so that it is not torn or worn so that it retains dirt or is in an otherwise Unsafe Condition;
- (g) maintain every floor in a bathroom, kitchen, shower room, and laundry room within that Building in good repair, impervious to water and readily cleaned;
- (h) not install or maintain a toilet or urinal within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes;
- (i) provide in every Habitable Room and every bathroom, natural ventilation consisting of an opening or openings to the external air, with a minimum aggregate unobstructed free flow area of zero point nine (0.9 m³) cubic metre, or thirty-two point two (32.2 ft³) cubic feet, or, alternatively, is provided with mechanical ventilation which shall change the air once each hour;
- (j) where an aperture, such as a window, skylight or louver, is used for ventilation, maintain it so as to be easily opened, able to be kept open and easily closed;
- (k) vent, to the outside air, every Basement or unheated crawl space by means of screened windows which can be opened, or by louvers with screened openings, the area of which is not less than one (1%) percent of the floor area; and
- (l) maintain adequate ventilation to attics and roof spaces.

3.03 Habitable Room Lighting Requirements

Every Owner of a Building containing at least one Dwelling Unit shall provide every Habitable Room (with the exception of kitchens and bathrooms) with a window, skylight or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this Section.

For living and dining rooms, the amount of natural light shall be equal to, or greater than, ten (10%) percent of the floor area.

For bedrooms and other Habitable Rooms, the amount of natural light shall be equal to, or greater than, five (5%) percent of the floor area.

The glass area of a door may be considered as a portion of the required window area.

3.04 Detail for Section 3.03

Where a wall of another Building or Structure faces the window in a Building and is located less than nine hundred (900 mm) millimeters, or thirty-five and one-half (35.5 in) inches, from the Building window, that Building window will not be considered to face directly to the outside, and will not be included as contributing to the minimum window area of the room required by Section 3.03.

3.05 Exterior Building Requirements

Every Owner of a Building containing at least one Dwelling Unit shall:

(a) maintain television aerials, satellite dishes and other roof Structures so that they are free from excess soil, peeling paint and/or deterioration; and

(b) provide solid core doors for all entrances to Dwelling Units in accordance with the *Fire Protection and Prevention Act, 1997*.

3.06 Bathroom Facilities in Self-Contained Dwelling Units

Every Owner of a Building containing at least one Dwelling Unit shall provide each self-contained Dwelling Unit in the Building with:

(a) a bathroom consisting of at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit;

(b) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin and bathtub and shower in a bathroom;

(c) an Adequate and Suitable Supply of Water for every water closet in a bathroom; and

(d) accessibility to at least one bathroom from within the Dwelling Unit.

Subject to a requirement that every room containing a toilet, urinal or bidet shall also contain a washbasin, the facilities to make up the bathroom required by (a) above may be contained in more than one room.

3.07 Facilities in Dwelling Units With Shared Bathrooms

Every Owner of a Building containing at least two Dwelling Units involving shared bathrooms shall provide each Dwelling Unit in the Building with access to at least

one bathroom meeting the standards in this Section.

(a) Facility Standard: The bathroom shall have at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit. Subject to Subsection 3.07(f), the facilities to make up the bathroom required by this Subsection may be contained in more than one room.

(b) Water Standards: All bathrooms shall have:

(i) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin and bathtub and shower; and

(ii) an Adequate and Suitable Supply of Water for every water closet.

(c) Supply Standards: There shall be at least one bathroom meeting these standards for every two (2) Dwelling Units within the Building which require the Occupants to share bathroom facilities.

(d) Access Standards: Each bathroom that is intended for shared use between Occupants of different Dwelling Units shall have an appropriate entrance from a common passageway, hallway, corridor or other common space.

(e) Privacy Standards: Each bathroom that is intended for shared use between Occupants of different Dwelling Units shall have a door capable of being locked so as to allow privacy for the persons using it.

(f) Health Standards: Each room that contains a toilet, bidet or urinal, that is intended for shared use between Occupants of different Dwelling Units shall also have a washbasin.

3.08 Plumbing Facilities and Water Supply

Every Owner of a Building containing at least one Dwelling Unit shall provide each Dwelling Unit in the Building with:

- (a) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin, bathtub and shower, and kitchen sink in the Dwelling Unit; and
- (b) hot water systems that are capable of supplying hot tap water as required by law at a maximum temperature of forty-nine (49°C) degrees Centigrade or one hundred twenty (120°F) degrees Fahrenheit.

In addition, every Owner of a Building containing at least one Dwelling Unit shall:

- (a) maintain all plumbing pipes and fixtures, including: drains, water supply pipes, and water closets, in good working condition, free of leaks and defects;
- (b) maintain all water pipes and appurtenances to water pipes in a manner that protects them from freezing;
- (c) connect (and maintain the connection of) all plumbing fixtures to the sewage system in accordance with the *Building Code Act, 1992*, as well as all relevant by-laws and policies of the Corporation; and
- (d) install (and maintain the installation of) every fixture of such materials, construction and design as to have all exposed surfaces of all parts readily accessible for cleaning, and free from defects.

3.09 Electrical Services

Every Owner of a Building containing at least one Dwelling Unit shall provide a complete electrical wiring system, with all electrical fixtures installed and maintained in good working order and in conformity with the *Electricity Act, 1998*.

3.10 Occupancy Standards for Dwelling Units

Every Owner of Residential Property shall:

- (a) abide by the requirements of the *Building Code Act, 1992* with respect to the maximum number of persons residing on a permanent basis in a Dwelling Unit;
- (b) not use or allow the use of a room for sleeping purposes unless it meets the requirements of the *Building Code Act, 1992* in that regard;
- (c) not allow a Basement to be used as a Dwelling Unit unless it conforms to the following requirements:
 - (i) each Habitable Room complies with all the requirements set out in this By-law;
 - (ii) floors and walls are constructed so as to be damp proof and impervious to water leakage; and
 - (iii) each Habitable Room is separated from service rooms by a suitable fire separation and approved under the *Building Code Act, 1992* and the *Fire Protection and Prevention Act, 1997*; and
- (d) provide and maintain for each Dwelling Unit, whether the Dwelling Unit self-contained or not, entrance/exit doors that close securely and that are each fitted with adequate hardware, including a locking device.

ARTICLE 4.00: ADDITIONAL STANDARDS FOR RENTED DWELLING UNITS

4.01 Application of Standards

Standards prescribed in this Article 4.00 apply to all Rented Dwelling Units, in addition to the standards in Article 2.00 and 3.00 of this By-law. Where there is a conflict between standards Article 2.00 or 3.00 of this By-law and the standards in this Article 4.00, then, with respect to Rented Dwelling Units, the standards in this Article 4.00 prevail.

4.02 Windows

All windows in a Rented Dwelling Unit that are able to be opened shall have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit.

4.03 Window Safety Devices Above First Storey

All windows in Rented Dwelling Units that are located above the First Storey shall have an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a one hundred (100 mm) millimeter or four (4 in) inch diameter sphere, as provided for in the *Building Code Act, 1992*.

4.04 Doors

All exterior doors in a Rented Dwelling Unit shall have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit.

At least one entrance door to a Rented Dwelling Unit shall have suitable hardware so as to permit locking or securing from both inside and outside the Dwelling Unit.

4.05 Entry Voice Communication/Security System

Where a voice communication unit, working in conjunction with a security locking and release system controlling an entrance door, is provided by the Owner of a Rented Dwelling Unit, that system shall be maintained in good working order at all times.

4.06 Kitchens

Kitchens in Rented Dwelling Units shall have:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a counter or work area, exclusive of the sink, covered with a material that is impervious to moisture and grease that is easily cleanable; and
- (c) adequate space for both a stove and a refrigerator, including the suitable electrical or gas connections.

4.07 Heating

Where a Rented Dwelling Unit is heated by or at the expense of the Owner rather than the Occupant, the Owner shall provide the Dwelling Unit with Adequate and Suitable Heat.

The heating system shall not require auxiliary heaters to be used as primary sources of heat.

4.08 Passages

Every Rented Dwelling Unit shall have a safe, continuous and unobstructed Passage.

The Owner of a Rented Dwelling Unit shall maintain the Passage for that unit in good repair, free of Debris, objects and Unsafe Conditions.

All Passages must conform to the *Fire Protection and Prevention Act, 1997*.

4.09 Disconnecting Utilities by Owner

The Owner of a Rented Dwelling Unit shall not disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to any Rented Dwelling Unit, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering that service or utility. This Section does not relieve landlords from notice and other obligations in the *Residential Tenancies Act, 2006*.

4.10 Exemption

Section 4.09 does not apply where a tenancy agreement makes the Occupant liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, and the Occupant fails to pay such rates, with the result that the utility supply company discontinues the service. In those circumstances, the Occupant is considered to have consented to the disconnection.

4.11 Electrical Systems

Owners of Rented Dwelling Units shall install and maintain in good working order the electrical wiring, fixtures, switches, and receptacles within those Rented Dwelling Units and within any Accessory Buildings provided for the Occupants of the Rented Dwelling Units.

The electrical system in the Rented Dwelling Unit and in Accessory Buildings provided for the Occupants of the Rented Dwelling Unit shall accommodate normal residential use so as to avoid the necessity of creating an Unsafe Condition because of the use of extension cords or temporary electrical wiring systems.

4.12 Light Fixtures

Owners of Rented Dwelling Units shall provide a permanent light fixture in every: bathroom, furnace room, kitchen, kitchenette, cooking space, laundry room, hallway, stairway, corridor, and passage within the Dwelling Unit. If a garage is associated with the Rented Dwelling Unit, then the Owner shall also provide a permanent light fixture in that garage.

Lighting shall provide, with normal use, sufficient illumination so as to avoid Unsafe Conditions.

4.13 Receptacles for Laundry Facilities

Every laundry room, or other area in a Rented Dwelling Unit that is to be used for doing laundry, shall have at least one electrical duplex convenience outlet. Each such outlet shall be on a separate circuit.

4.14 Appliances

Where the Owner of a Rented Dwelling Unit supplies the Occupant with appliances, those appliances shall be maintained in good working order by the Owner.

4.15 Fuel Burning Appliances

All fuel burning appliances, equipment, and accessories in a Rented Dwelling Unit that are supplied by the Owner, shall be installed and maintained by the Owner to the standards provided by the *Energy Efficiency Act*.

4.16 Potable Water

The Owner of a Rented Dwelling Unit must provide an Adequate and Suitable Supply of Potable Water to at least one tap within the Dwelling Unit.

ARTICLE 5.00: ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTY

5.01 Application of Standards

Standards within this Article 5.00 apply to all Non-Residential Property, in addition to the standards in Article 2.00 of this By-law. Where there is a conflict between standards in Article 2.00 of this By-law and the standards in this Article 5.00, then, with respect to Non-Residential Property, the standards in this Article 5.00 prevail.

5.02 Exterior Walls

The Owner of Non-Residential Property shall maintain all marquees, awnings, standpipes, exhaust ducts and similar equipment, attachments, extensions to Buildings or Structures, together with their supporting members, in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material. Despite this requirement, no application of a weather-coating material is required if the item is constructed of materials inherently resistant to deterioration.

5.03 Debris

The Owners and Occupants of Non-Residential Property shall maintain the Buildings on the Land so that the interiors of those Buildings are kept free from Debris that would cause Unsafe Conditions.

5.04 Plumbing

The Owners of Non-Residential Property shall maintain:

- (a) all plumbing including: drains, water supply pipes, water closets and other plumbing fixtures, in good working condition, free of leaks and defects; and
- (b) all water pipes, and appurtenances to water pipes, so as to be protected from freezing.

5.05 Lighting

The Owner of Non-Residential Property shall provide and maintain sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination in all passageways, halls and stairways, whenever the Building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

5.06 Bathroom Facilities

The Owner of Non-Residential Property upon which a business is carried on shall provide, maintain, and keep stocked with Hygienic Supplies, a minimum of one water closet and one washbasin, supplied with an Adequate Supply of Water, which is readily accessible to employees of the business.

The bathroom facilities required by this Section shall be in an enclosed room that has a door capable of being locked so as to provide privacy for the user, and shall be located on the same Land.

The Owner of the Non-Residential Property shall maintain the bathroom facilities required by this Section in a neat and clean condition.

5.07 Signs

The Owner of Non-Residential Property, which contains one or more signs, shall maintain those signs in good repair and in accordance with other by-laws or policies of the Corporation. Any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, either be removed or repaired by the Owner.

ARTICLE 6.00: ADDITIONAL STANDARDS FOR VACATED PROPERTIES

6.01 Application of Standards

Standards within this Article 6.00 apply to all Vacated Properties, in addition to the applicable standards prescribed elsewhere in this By-law. Where there is a conflict between standards elsewhere in this By-law and the standards in this Article 6.00, then, with respect to Vacated Properties, the standards in this Article 6.00 prevail.

6.02 Maintenance of Vacated Property

The Owner of a Vacated Property shall:

- (a) keep all Buildings on the Land clear of Debris;
- (b) disconnect or have disconnected or discontinued all water, electrical and gas services to the Buildings and Structures, excepting any that are required for the security and maintenance of the Land;
- (c) maintain the Buildings and Structures on the Land to guard against Unsafe Conditions, risk of fire, accident or other danger;
- (d) keep the windows and doors of the Buildings and Structures on the Land sealed to prevent unauthorized access, including boarding any damaged windows or doors in accordance with Section 6.04 of this By-law;
- (e) maintain the entrance to the Building, including: porches, stairways, required Guards, and the like, in good repair so as to afford safe passage to authorized persons attending the site;
- (f) barricade all openings on any floor or between floors, including: service spaces, chutes, air vents and elevator shafts, in order to prevent accident or injury; and
- (g) maintain the Land in accordance with the standards in Sections 6.03 and 6.04.

6.03 Securing Vacated Property

This Section 6.03 applies to Buildings on Vacated Property, subject to Section 6.07. To comply with this Section 6.03, the Owner of a Building situated on Vacated Property shall:

- (a) keep all exterior doors to the Building operational, so as to fit tightly within their frames when closed;
- (b) keep all exterior doors to the Building locked so as to prevent unauthorized entry;
- (c) keep all windows on the Building properly glazed and in good repair;
- (d) keep all windows on the Building either permanently sealed or locked so as to prevent unauthorized entry;
- (e) keep all windows, doors, Basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the Building;
- (f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least four (4 m) metres or one hundred fifty-six (156 in) inches, or guarding them in some other manner acceptable to a Municipal Law Enforcement Officer; and
- (g) secure all Areaways by:
 - (i) filling them with concrete or unshrinkable fill; or
 - (ii) covering the openings to them with metal plates of at least eight (8 mm) millimeters or zero point three (0.3 in) inch thick, and securing the metal plates so as to prevent them from shifting.

6.04 Boarding Vacated Property

This Section 6.03 applies to Buildings on Vacated Property where it is impossible or impracticable to comply with Subsections 6.03(a), (b), (c), and (d) with respect to security of some or all of the doors and windows. Section 6.04 applies to the boarding up of any windows, doors or other openings which cannot be maintained to the standard required by Section 6.03. To comply with this Section 6.04, the Owner of a Vacated Property shall:

- (a) cover, with a solid piece of plywood, at least twelve point seven (12.7 mm) millimeters or one-half (0.5 in) inch thick, all doors, windows or other openings;
- (b) secure the plywood referenced in Section 6.04(a) with screws or coated nails which are at least ten (10 cm) centimeters or four (4 in) inches long that are installed at intervals of not more than thirty (30 cm) centimeters or eleven point eight (11.8 in) inches;
- (c) fit the plywood required by Subsection 6.04(a) within the frames in a watertight manner; and
- (d) protect the plywood from the elements with paint or preservatives in a manner so as to minimize detraction from the value of other properties in the immediate vicinity.

ARTICLE 7.00: PROPERTY STANDARDS COMMITTEE

7.01 Property Standards Committee

The Property Standards Committee previously established by the Corporation is continued.

The Committee shall be composed of three (3) persons appointed by By-Law. Members of the Corporation's council and employees of the Corporation or of one of its local boards are not eligible to be members of the Committee.

The term of office for the members of the Committee is four (4) years, provided that all members shall serve beyond their terms of office, as required, until re-appointed or replaced.

The Corporation may establish an honorarium to be paid to members of the Committee.

7.02 Scheduling of, and Notice for, Hearings

When the secretary of the Committee has received a Notice of Appeal of this By-law, he or she will, after consultation with the chair of the Committee, determine the appropriate date for the hearing, to be held in the Corporation's council chambers, on a date and at a time which is not more than sixty (60) days from the date that the secretary received the Notice of Appeal. Where the council chambers are not available for any reason, the Committee may hold the hearing in another appropriate forum within Oliver Paipoonge.

The secretary shall send notice of the date, time and place of the hearing to the Appellant, the Municipal Law Enforcement Office, the Municipal Clerk and such other persons as the Committee considers advisable. Notice shall be sent so that the recipients receive, or pursuant to the *Building Code Act*, are deemed to have received, the notice not less than seven (7) days and not more than thirty (30) days from the date of the hearing.

The Committee shall hold the hearing at the date, place and time set out in the notice. This does not preclude deferrals or adjournments of the hearing in accordance with the Committee's rules of procedure and/or by by-law or policy of the Corporation.

ARTICLE 8.00: ENFORCEMENT: ORDERS, APPEALS & OFFENCES

8.01 Authority to Vary Orders

At any time, the Municipal Law Enforcement Officer who issued an Order, or another Municipal Law Enforcement Officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved and where an Order is so modified, it shall be served as required by the *Building Code Act* and the modified Order may be appealed within the time prescribed by the said *Act*, the final date for giving notice of appeal of the modified Order to be indicated therein.

ARTICLE 9.00: GENERAL PROVISIONS AND REPEALS

9.01 Effective Date

This By-law shall take effect on the date of its passage.

9.02 Title

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

9.03 Repeals

Upon passage of this By-law, the following are repealed:

- (a) By-law 0032-98.

9.04 Transitional Rules

Despite Sections 9.01 and 9.03, after the passage of this By-law, By-Law 0032-98, shall continue to apply to any Property for which an Order had been previously issued, but only until such time as the work required by that Order has been completed, or any work carried out by the Corporation under that by-law has been concluded.

Enacted and passed this 25th of January, A.D. 2012 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

Mayor Lucy Kloosterhuis

Jamie Cressman
Chief Administrative Officer/Clerk

**PROPERTY STANDARDS BY-LAW OF
THE CORPORATION OF
THE MUNICIPALITY OF OLIVER PAIPOONGE**

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