

PROPERTY STANDARDS BY-LAW

BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY

WHEREAS Section 15.1 of the Building Code Act, R.S.O. 1992, Chapter c.23, as amended, provides that:

"(2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

(3) 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 or if the council of the municipality has adopted a policy statement as mentioned in subsection (2);

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 levelled condition.

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit.

AND WHEREAS Section 6.13 of the Official Plan for the County of Bruce provides that:

"It is the policy of County Council to encourage each local municipality to pass by-laws establishing minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future development in the municipality.";

AND WHEREAS Section 7.5 of the Official plan of the former Town of Chesley provides that:

"In order to achieve conservation and rehabilitation of property throughout the municipality, the town may enact a by-law pursuant to Section 31 of the Planning Act, prescribing standards for the maintenance and occupancy of all types of properties.";

AND WHEREAS Section 7.4 of the Secondary Plan of the former Village of Paisley provides that:

"Council intends to pass a by-law pursuant to Section 43 of The Planning Act. This by-law will establish standards for the maintenance and occupancy of property and will require that property that does not conform to the standards be repaired and maintained in conformity with the standards. The by-law will apply to all of the Village of Paisley.";

AND WHEREAS Section 3.1 of the Secondary Plan of the former Village of Tara provides that:

"Consideration will be given to incorporating sign controls, landscaping controls, design standards, and minimum maintenance standards for all developments.";

AND WHEREAS it is deemed necessary, expedient and desirable for the protection of the safety, health and well-being of the residents to adopt standards for maintenance and occupancy of all properties in the Municipality;

NOW THEREFORE The Corporation of the Municipality of Arran-Elderslie hereby enacts as follows:

SECTION 1 TITLE, APPLICATION AND SCOPE

1.1 TITLE OF BY-LAW

That this By-law is entitled the "PROPERTY STANDARDS BY-LAW".

1.2 APPLICATION

That the provisions of this by-law shall apply to all property in the Municipality of Arran-Elderslie.

1.3 SCOPE OF BY-LAW

- a) That the standards for maintenance and occupancy of property prescribed in this by-law apply to all property in the Municipality of Arran-Elderslie.
- b) That no person shall use, occupy or permit the use or occupancy of any property that does not conform to the standards established in this by-law.
- c) That the owner of any property which does not conform to the standards established in this by-law shall repair and maintain such property to conform to the standards or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.
- d) That no person shall remove from any premises any sign, notice or placard placed thereon pursuant to this by-law.

1.4 GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY

- a) That the owner, or purchaser under an agreement of sale, shall repair and maintain the property in accordance with the standards prescribed in this by-law to the satisfaction of the officer.
- b) That notwithstanding subsection a), where the maintenance of any property affected by this by-law is by written terms of a lease or an agreement for occupancy made the responsibility of the occupant, the officer may, at his discretion, require the occupant to repair and maintain the property in accordance with the standards prescribed in this by-law to the satisfaction of the officer.
- c) That such standards would include the following:
 - i) limit occupancy of that part of the premises which he occupies or controls to the maximum permitted by this by-law;
 - ii) maintain that part of the premises which he occupies or controls in a clean, sanitary and safe condition;
 - iii) maintain all plumbing and refrigeration fixtures as well as other building equipment and storage facilities in that part of the premises which he occupies or controls in a clean and sanitary condition and provide reasonable care in the operation and use thereof;
 - iv) maintain a safe, continuous and unobstructed exit from the interior of the building to the exterior at the street or grade level;
 - v) dispose of garbage and refuse and waste into receptacles in a clean and sanitary manner, in accordance with the provisions established in this by-law;
 - vi) exterminate insects, rodents, and other pests;
 - vii) maintain yards in a clean sanitary safe condition and free from infestation insofar as he occupies or controls the yards.
- d) That no person shall occupy or let to another for occupancy any property which does not comply with the regulations of this by-law.

SECTION 2

DEFINITIONS

2. THAT THE FOLLOWING DEFINITIONS SHALL APPLY:

ACCESSORY BUILDING

- a) means a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith; or,
- b) means an attached building or structure the use of which is an accessory to that of the main building and shall include swimming pools, private greenhouses, patio shelters and carports.

APPROVED

as applied to a grade, material, device or method of construction, means:

- approved by the Property Standards Officer under the provisions of this by-law;
- approved by the Building Inspector under the provisions of the Building Code;
- approved by the Fire Chief under the provisions of the Fire Code; or,
- approved by any other authority designated by law to give approval to the matter in question.

BALUSTRADE

means a row of balusters or spindles surmounted by a railing.

BASEMENT

means that portion of a building between two floor levels which is partly underground but which has a least one-half of its height, from finished floor to finished ceiling, above the adjacent finished grade level adjacent to the exterior walls of the building for at least seventy-five percent of the building perimeter.

BATHROOM

means a room containing at least a bathtub or shower with or without a water closet and basin.

BUILDING

- means
- a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
 - b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
 - c) plumbing not located in a structure,
 - c.1) a sewage system; or
 - d) structures designated in the building code

CELLAR

means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling, below the adjacent finished grade level for at least seventy-five percent of the building perimeter.

CHIEF OF THE FIRE DEPARTMENT

means a Fire Chief appointed by the Municipality.

COMMITTEE

means a Property Standards Committee established under Section 15.6 of the Building Code Act, as set out in this by-law.

CORPORATION

means The Corporation of the Municipality of Arran-Elderslie.

CRAWL SPACE

means a space beneath a floor with clearance of less than those required for basements or cellars.

DWELLING

means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or could be intended to be used for such purpose except for its state of disrepair and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein and shall include any mobile dwelling unit.

DWELLING UNIT

means a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.

FINISHED GRADE LEVEL

means the average elevation of the finished surface of the ground abutting the external walls of the building or structure, exclusive of any embankment in lieu of steps.

FIRE RESISTANCE RATING

means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.

GROUND COVER

means organic or non-organic materials applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

HABITABLE ROOM

means a room designed for living, sleeping, eating or food preparation including a den, library, sewing-room or enclosed sunroom.

MAINTENANCE

means the preservation and keeping in good repair of a property.

MEANS OF EGRESS

means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.

MEDICAL OFFICER OF HEALTH

means the Medical Officer of Health for Bruce-Grey-Owen Sound Health Unit, or the chief medical officer for any successor organization to the Bruce-Grey-Owen Sound Health Unit having jurisdiction over public health in the municipality or region within which the Municipality is situate

MULTIPLE DWELLING

means a building containing three or more dwelling units.

MULTIPLE USE BUILDING

means a building used or capable of being used for both residential and non-residential purposes.

MUNICIPALITY

means The Corporation of the Municipality of Arran-Elderslie.

NON-HABITABLE ROOM

means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, water closet, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.

NOXIOUS

means when used with reference to any land, building or structure, a use which, from its nature, or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may become hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

NOTICE

means a notice of violation served by an officer pursuant to this by-law.

OCCUPANCY

means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

OCCUPANT

means any person or persons over the age of eighteen years in possession of the property.

OFFICER

means a Property Standards Officer appointed by the Corporation to administer and enforce this by-law.

OUTDOOR STORAGE

means the land used for the purpose of storing builder's supplies or materials salvaged from any demolition of a building either for storage or salvage for re-use or sale of the storing of any other industrial or commercial goods, wares, or merchandise.

OWNER

means the assessed owner and all persons shown by the records of the Registry Office to have an interest in such property, and 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 on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and
- 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.

PERSON

means any human being, association, firm, partnership, incorporated company, corporation agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PLUMBING

means a drainage system, a venting system and a water system or parts thereof

PREMISES

means that portion of real property which is owned by a specific person and includes all buildings and structures thereon.

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.

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 by this by-law.

SEWAGE

means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

SEWERAGE SYSTEM

means the municipal sanitary sewerage system when it becomes available; or, until then, a private sewage disposal system approved by the Medical Officer of Health.

STANDARDS

means the standards for the maintenance and improvement of physical condition and for the fitness for occupancy prescribed in this by-law.

SUB-STANDARD

means a quality less than that required by this by-law.

SUPPLIED

means installed, furnished or provided by the owner.

TOILET ROOM

means a room containing a water closet and a wash basin.

UNSAFE BUILDING

means any building that is,

- a) structurally inadequate or faulty for the purpose for which it is used; or
- b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented

YARD

means the land other than publicly-owned land around and appurtenant to the whole or any part of a property and includes a building or structure lawfully used, or intended to be used, or capable of being used, in connection with the property whether or not the land is owned by the owner of the building, and includes vacant land.

SECTION 3 MAINTENANCE OF YARD AND ACCESSORY BUILDINGS

3.1 YARDS

That all yards shall be kept clean and free from:

- a) rubbish, garbage, waste and other debris;
- b) objects and conditions that are or might create a health, fire or accident hazard;
- c) heavy undergrowth, noxious plants (as defined in the Weed Control Act), excessive growth of grass, weeds and other vegetation;
- d) dead, decaying or damaged trees or other natural growth, and the branches and limbs which create an unsafe or unsightly condition;
- e) wrecked, dismantled, inoperative, unused or unlicensed vehicles, trailers, or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an

arrangement such as to prevent an unsafe condition or an unsightly condition;

- f) dilapidated or collapsed structures or erections and any unprotected well or other unsafe condition or unsightly condition;

3.2 LANDSCAPING

- a) Hedges, planting, trees or other landscaping, required by the Municipality as a condition of site development, redevelopment or re-arrangement, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance.
- b) Suitable groundcover shall be provided to prevent erosion of the soil. Where grass forms a part of the ground cover, and such grass has been killed, such dead areas shall be re-sodded or re-seeded as often as required so as to restore the grass to a living condition.
- c) All areas used for vehicular traffic, parking and facilities for loading and unloading shall be maintained in good repair, free of potholes and adequately drained.

3.3 RUBBISH

- a) Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes, recyclables and waste. The receptacles shall be made of metal or plastic, made of watertight construction, provided with a tight fitting cover and maintained in a clean state.
- b) Every property shall be kept free of such refuse or litter.
- c) Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.

3.4 PASSAGEWAYS

- a) Steps, walks, driveways, parking spaces and similar uses of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- b) Property owners are responsible for the removal of icicles which could prove hazardous.

3.5 DRAINAGE

- a) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm-water thereon and prevent the entrance of water into a basement or cellar, and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil.
- b) No roof drainage shall be discharged on sidewalks, stairs or neighbouring property or into a sanitary sewer.

3.6 SEWERAGE

- a) Sewage, or organic waste, shall be discharged into the sewerage system and shall not at any time be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- b) Notwithstanding subsection a) above, where a municipal sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved by the Medical Officer of Health.

3.7 SIGNS

- a) All signs, permitted under by-laws of the Municipality, shall be maintained in a good state of repair.

3.8 ACCESSORY BUILDINGS AND FENCES

- a) Accessory buildings including garages, carports, radio and television towers, fences and all other accessory buildings shall be kept in good repair and free from health, fire and accident hazards.
- b) Where an accessory building or any condition in a yard may harbour noxious insects or rodents, all necessary steps shall be taken to eliminate the insects or rodents and to

- prevent their reappearance.
- c) Exteriors of accessory buildings shall be kept weather resistant through the use of appropriate weather resistant materials.
 - d) All dilapidated auxiliary buildings and fences shall be removed or repaired.

SECTION 4 MAINTENANCE OF BUILDINGS

4.1 STRUCTURAL CAPABILITY

A building, accessory structure or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use, and materials which show damage or evidence of decay or other deterioration shall be repaired or replaced.

4.2 FIRE AND ACCIDENT PREVENTION

- a) When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premises, measures shall be taken to the extent necessary to abate the unsafe condition.
- b) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure safe by the removal of dangerous structure material.
- c) In the event the building or accessory is beyond repair, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- d) Materials of an inflammable nature shall be safely stored or removed at once from the property.

4.3 PEST PREVENTION

- a) A building shall be maintained free from rodents and insects at all times and methods used for exterminating rodents or insects or both shall conform to generally accepted practice.
- b) A basement or cellar window used for ventilation and any other opening in a basement or cellar that might let in rodents shall be screened with wire mesh or such other materials as will effectively exclude rodents.

4.4 VENTILATION AND LIGHTING

- a) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain.
- b) Every habitable room shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow of .28 sq. m. (3 sq. ft.). A kitchen, living room, living-dining room, bathroom, or toilet room may be provided with natural ventilation or mechanical ventilation.
- c) Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, and closed.
- d) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading to outside the dwelling has been authorized by by-law and installed in a dwelling, the authorized system shall be maintained in good working order. In the case of a kitchen, bathroom, living or living-dining room, the mechanical ventilation shall be capable of changing the air once each hour.

4.5 FOUNDATIONS

- a) The foundation walls and the basement cellar, or crawl space floor of a building or an accessory structure shall be maintained in good repair so as to prevent settlement detrimental to the building, or the entrance of moisture, insects, or rodents into the building.
- b) Without limiting the generality of subsection a), the maintenance of foundation includes:
 - i) the jacking-up, underpinning or shoring of the foundation where necessary;

- ii) installing subsoil drains at the footing where necessary;
- iii) the grouting of masonry cracks;
- iv) waterproofing the wall and joints;
- v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the building;
- vi) repairing or replacing decayed damaged, or weakened sills, piers, posts or other supports;
and
- vii) making sills, piers, posts or other supports waterproof and resistance to insects by the application of suitable materials or treatment.

4.6 EXTERIOR WALLS

- a) Exterior walls, parapet walls and components thereof shall be maintained in good repair, weather-tight, free from loose or unsecured objects and materials or treatment.
- b) Without limiting the generality of subsection a), the maintenance of exterior walls include:
 - i) the applying of paint or materials to preserve all exterior wood and metal work;
 - ii) the restoring, repairing or replacing of the wall, the bricks and mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the wall and joints.

4.7 ROOFS

- a) The roof, including the fascia board, soffit, cornice, and flashing, shall be maintained in a weather-tight condition so as to prevent leakage of moisture into the building.
- b) Without restricting the generality of subsection a), the maintenance includes repairing of the roof and flashing, applying waterproof coatings, venting, installing or repairing eavestrough and rainwater piping, and using other suitable means.
- c) Eavestroughs and downpipes shall kept in good repair, in good working order and watertight and free from leaks.

4.8 EXTERIOR DOORS AND WINDOWS

- a) Exterior doors and windows shall be maintained in good repair, reasonably draft free and weather-tight
- b) Without limiting the generality of subsection a), the maintenance may include painting, repairing or renewing damaged, decayed, or deteriorated doors, door frames, casings and thresholds, window sashes and window frames and casings, screens, refitting doors and windows, weather-stripping, repair or replacing defective or missing door and window hardware, rescreening, reglazing and using other suitable means of weatherproofing.
- c) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory structure from being protected from damage, or to prevent entry.
- d) Materials used for protection in accordance with subsection c) shall be afforded an application of paint, varnish or other approved colouring or preservative on the exterior.

4.9 WALLS AND CEILINGS

- a) Interior walls and ceilings shall be maintained in good condition and free of holes and cracks and of loose plaster or other material.
- b) Without restricting the generality of subsection a), the maintenance includes repairing or filling holes and cracks and removing and replacing loose or defective parts.
- c) The interior floors, ceilings and walls of a building shall be kept free from dampness arising from the entrance of moisture through an exterior wall or through a cellar, basement or crawl space.

4.10 FLOORS

- a) Floors shall be maintained in a clean and sanitary condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which forms a health, fire or accident hazard.

- b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts in which dirt collects or which forms a health or accident hazard.
- c) Lavatory or washroom floors, shower room floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.
- d) Without restricting the generality of subsections a), b), and c), the maintenance includes installing, repairing, refinishing and replacing a floor or floor covering to provide the required standards.
- e) Any basement containing habitable rooms shall have a concrete floor.

4.11 STAIRS AND PORCHES

- a) Any inside or outside stair, balcony, porch, or canopy shall be maintained so as to be free of holes, cracks, and other defects which may constitute possible accident hazards.
- b) Without restricting the generality subsection a), the maintenance includes repairing or replacing treads or risers that show excessive wear or are broken, warped or loose or otherwise defective, and supporting structural members that are rotted or deteriorated.
- c) Painting or coating with a preservative unless constructed of material inherently resistant to deterioration.
- d) A handrail or banister shall be installed so as to guard against accident or injury on the open side of a balcony, landing, stairwell and stairway, having more than three risers.

4.12 CHIMNEYS AND FIREPLACES

- a) Every chimney smoke pipe and flue in or on a building, actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times shall be kept in good repair and maintained so as to prevent gases from leaking into the building, and at all times shall be kept in good repair and maintained free from loose bricks, mortar and loose or broken capping.
- b) Without restricting the generality of subsection a), the maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.
- c) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structure members shall not be heated to unsafe temperatures.
- d) Without restricting the generality of subsection c), the maintenance includes securing connection to a chimney that complies with the standard of this by-law, lining and repairing and re-lining with fire resistant material, and installing and repairing and replacing the hearth.

SECTION 5 STANDARDS OF FITNESS FOR OCCUPANCY

5.1 PLUMBING AND PLUMBING FIXTURES

- a) All installed plumbing, including plumbing fixtures, drains, vents, water pipes, waterclosets and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects.
- b) Every dwelling shall be provided with an adequate supply of portable running water from a source approved by the Medical Officer of Health.
- c) All dwellings shall have the sanitary facilities connected to a sewage system approved by the Medical Officer of Health.
- d) Within the exterior walls of a dwelling unit there shall be provided, accessible and available for all occupants, a bathroom and a toilet room with provision for privacy, having at least:
 - i) one toilet;
 - ii) one bathtub or shower or combination bathtub and shower;
 - iii) one wash basin located in or immediately adjacent to every room containing a water closet or urinal, that are

- iv) in good working order;
 - v) served with hot and cold running water (only cold water connecting to water closets and urinals)
 - vi) connected to the drainage system.
- e) The hot water serving the wash basin and bathtub or shower required by subsection d) shall be served at such a temperature that it may be drawn from the tap at a temperature of not less than forty-four degrees centigrade.
- f) No facilities for the preparation, cooking, storage, or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.
- g) Non-residential buildings, where people work, shall have a minimum of one water closet and one wash basin supplied with running water, located in a closet room, and conveniently accessible to all employees.

5.2 HEATING SYSTEM

- a) Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of twenty-one degrees Centigrade in all habitable rooms, bathrooms, and toilet rooms.
- b) The heating system required by subsection a) shall be maintained in a good working condition so as to be capable of heating the dwelling safely.
- c) Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire or accident hazard.
- d) Rigid connections shall be kept between all heating equipment burning gaseous fuels and the supply line.
- e) A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- f) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movements of persons within the room where the heater is located.
- g) Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed as to be free from fire or accident hazards.

5.3 ELECTRICAL SERVICE

- a) Except for owner occupied, a residence unit and, where required by Ontario Hydro, or its successor, buildings and accessory structures shall be:
- i) connected to an electrical supply system and wired to receive electricity;
 - ii) provided with sufficient electrical outlets in every room or space such that the use of extension cords or multi-outlet attachments to wall or other receptacle outlets would not be required on a continuing daily basis;
 - iii) provided with an adequate supply of electric power available at all times in all parts of every room.
- b) The capacity of the connection to the building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use and shall be compliance in with Ontario Hydro, or its successor.
- c) Every habitable room, except for a kitchen, shall contain at least one electrical duplex convenience outlet, and every kitchen shall contain at least two duplex convenience outlets.
- d) Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario, or its successor.

5.4 KITCHENS

- a) Every dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities and a counter top work area.
- b) A cooking space and refrigerator space shall be provided with an adequate gas, coal, wood or electrical supply.

5.5 OCCUPANCY STANDARD

- a) A non-habitable room shall not be used as a habitable room.
- b) No portion of a building shall be occupied if it does not meet the requirements of this by-law.
- c) No basement or cellar space shall be used as a dwelling unit or as a habitable room unless it is otherwise permitted and it meets the following requirements:
 - i) the dwelling unit or habitable room meets all requirements for egress, light, ventilation and ceiling height set out in this by-law;
 - ii) floors and walls are constructed so as to be impervious to leakage of underground and surface runoff water;
- d) The floor area under a ceiling which is less than 2.1 metres (7 feet) high shall not be used as a habitable room.

5.6 THERMAL INSULATION

- a) Thermal insulation of buildings to minimize heat losses shall be done in accordance with the provisions of the Ontario Building Code where necessary and practical.

5.7 EGRESS

- a) Residential Buildings- There shall be provided and maintained a secondary means of egress from the building for every dwelling unit located on each floor above the first floor, and for two or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.
- b) Non-Residential Buildings- There shall be provided two means of egress from every floor area where in the opinion of the fire chief the existing exits are inadequate for the safety of the occupants.
- c) The means of egress and fire warning devices shall be to the satisfaction of the local fire department.

SECTION 6: ADMINISTRATION AND ENFORCEMENT

6.1 ENFORCEMENT

- a) Enforcement of the provisions of this by-law shall be in accordance with the Building Code Act, as amended, or any successor legislation.

6.2 ADMINISTRATION

PROPERTY STANDARDS COMMITTEE

- a) A Property Standards Committee for The Corporation of the Municipality of Arran-Elderslie is hereby constituted.
- b) The Members of the Council for The Corporation of the Municipality of Arran-Elderslie shall be the Members of the Property Standards Committee.
- c) The Members of the Property Standards Committee shall hold office for the term of the Council of which they are Members.

APPOINTMENT OF SECRETARY

- a) The Municipal Clerk shall be the Secretary for the Property Standards Committee.
- b) The Secretary shall keep on the file records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications and Section 74 of The Municipal Act, as amended, applies with necessary modifications to the minutes and records.

APPOINTMENT OF PROPERTY STANDARDS OFFICER

- a) The office of Property Standards Officer is hereby created, and the person appointed from time to time, by by-law, to this office shall be responsible for the administration and enforcement of this by-law, subject to review by the foregoing Committee.

ACTING ON PROPERTY STANDARDS COMPLAINTS

- a) The Property Standards Officer will investigate any signed, written complaints received and, where a violation of the Property Standards By-law is confirmed, will act upon the matter to have it comply with the By-law.
- b) Standard reporting forms will be available for written complaints.

PENALTIES

- a) In addition to any penalties that may be imposed under the Building Code Act, any person who fails to comply with an order which has been issued by the Property Standards Officer, and/or the Property Standards Committee, and/or a judge, is guilty of an offence and upon conviction thereof, is liable to a penalty of not less than Five Hundred Dollars (\$500.00) per day for each day that person is in contravention of such order.
- b) Any person who obstructs or interferes with the Property Standards Officer, or anyone acting under his authority, in the performance of his duties under this by-law is guilty of an offence and upon conviction thereof, is liable to a fine not less than Five Hundred Dollars (\$500.00) exclusive of costs.

SEVERABILITY

If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this by-law still continues in force.

SECTION 7: EFFECTIVE

7.1: EFFECTIVE DATE OF PROPERTY STANDARDS BY-LAW

- a) This by-law shall take effect July 1, 2000.
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