



# THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

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## By-Law 44-2026

### Being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property

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**WHEREAS** subsection 15.1 (1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the “**Act**”), authorizes the Council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property and prohibiting the occupancy or use of property that does not conform with the standards;

**AND WHEREAS** subsection 15.1 (3) of the Act authorizes the Council of a municipality to 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:

- (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.

**AND WHEREAS** subsection 15.1 (4) of the Act provides that, the authority to pass a by-law 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** subsection 15.6 (1) of the Act requires that a by-law passed under section 15.1 provide for the establishment of a Property Standards Committee;

**AND WHEREAS** the Council of the Municipality of Arran-Elderslie deems it necessary and desirable to prescribe minimum standards for the maintenance and occupancy of property;

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

#### **PART 1 – TITLE, PURPOSE, APPLICATION AND INTERPRETATION**

##### **1.1 Short Title**

1.1.1 This by-law may be cited as the “Property Standards By-law”.

## **1.2 Purpose**

1.2.1 The purpose of this by-law is to establish minimum standards for the maintenance and occupancy of Property (hereinafter defined).

## **1.3 Application**

1.3.1 This by-law applies to all Property within the Municipality, including residential, non-residential and vacant Property, unless expressly exempted.

1.3.2 This by-law also applies to buildings, structures, accessory structures, and yards on all Property within the Municipality.

## **1.4 Relationship to Other Laws**

1.4.1 The standards in this by-law are minimum standards and are not intended to derogate from any higher standard established by applicable federal or provincial legislation or other municipal by-laws.

1.4.2 Where provisions of this by-law conflict with another municipal by-law, the provision that establishes the higher standard to protect health and safety shall prevail.

## **1.5 Prohibitions and Duty to Repair**

1.5.1 No person shall use or occupy, or permit the use or occupancy of, any Property that does not conform to the standards prescribed in this by-law.

1.5.2 The Owner of Property that does not conform to the standards prescribed in this by-law shall repair and maintain the Property to conform to the standards, or the site shall be cleared as may be required by an Order (hereinafter defined).

1.5.3 No person shall remove, deface or damage any notice, placard or Order posted on a Property under this by-law.

## **PART 2 – DEFINITIONS AND RESPONSIBILITIES**

### **2.1 Definitions**

2.1.1 In this by-law:

**“Accessory Structure”** means a building or structure that is incidental and subordinate to the principal building or use on the Property and includes, without limitation, sheds, garages, carports, decks, porches, fences, retaining walls, swimming pools and similar structures.

**“Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended.

**“Building Code”** means the regulation made under the Act, as amended.

**“Committee”** means the Property Standards Committee established under section 15.6 of the Act and this by-law

**“Derelict Vehicles”** means a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function, and includes a motor vehicle that is not licensed.

**“Dwelling”** means a building or part of a building used or capable of being used for human habitation.

**“Habitable Room”** means a room used or intended to be used for living, sleeping, cooking or eating purposes.

**“Landlord”, “Tenant”, and “Rental Unit”** have the same meaning as in the *Residential Tenancies Act, 2006*, as amended.

**“Municipality”** means The Corporation of the Municipality of Arran-Elderslie.

**“Officer”** means a Property Standards Officer appointed by the Municipality.

**“Order”** means an order issued by an Officer under this by-law and/or under the Act.

**“Owner”** includes the registered owner, a person managing or receiving rent, and a lessee or occupant required by a lease to maintain the Property.

**“Pests”** means rodents, vermin or insects.

**“Property”** means a building or structure, or part thereof, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, including vacant property.

**“Refuse”** includes waste, litter, debris, garbage, and discarded materials.

**“Repair”** includes the provision of facilities, the making of additions or alterations, and any action required to ensure Property conforms to this by-law.

**“State of Good Repair”** means: (a) structurally sound; (b) free from health, fire and accident hazards; (c) not broken, rotten, rusted or in a hazardous condition; (d) in proper working order where applicable; and (e) protected by weather-resistant materials where applicable.

**“Vacant Building”** means a building that is unoccupied for a continuous period exceeding ninety (90) days, or that is not used in a continuous or ongoing manner for the purpose for which it was designed. It does not include buildings used on a seasonal basis.

**“Vital Services”** includes any service or utility that provides fuel, electricity, gas, heat, hot water, potable water and steam.

2.1.2 Words and phrases used in this by-law that are not included in the list of definitions shall have the meanings assigned to them as defined in the Act, the Building Code, or that are commonly assigned to them in the context in which they are used.

## **2.2 Owner Responsibility**

2.2.1 An Owner shall repair and maintain a Property in accordance with this by-law.

## **2.3 Landlord / Tenant Responsibilities (Rental Property)**

2.3.1 Subject to the *Residential Tenancies Act, 2006*, as amended, the Landlord shall ensure a Rental Unit is safe, fit for habitation and supplied with Vital Services, except for reasonable interruptions required to make repairs.

## **PART 3 – STANDARDS FOR YARDS AND EXTERIOR PROPERTY CONDITIONS**

### **3.1 General Yard Maintenance**

3.1.1 Yards shall be kept clean and free from Refuse and conditions that create a health hazard, fire hazard, or accident hazard.

### **3.2 Landscaping, Ground Cover and Site Plan Conditions**

- 3.2.1 Required landscaping, hedges, planting and site plan conditions shall be maintained in a living condition and replaced where dead or damaged so as to carry out their intended function.
- 3.2.2 Suitable ground cover shall be provided and maintained to prevent erosion of soil.
- 3.2.3 Areas used for vehicular traffic, parking, loading and unloading shall be maintained in good repair, free of potholes and adequately drained.

### **3.3 Drainage and Grading**

- 3.3.1 Exterior Property areas shall be graded and maintained to prevent recurrent ponding and erosion and to prevent stormwater entry into buildings.
- 3.3.2 Stormwater shall not be directed onto adjoining lands or public sidewalks in a manner that creates a hazard or nuisance, except in accordance with an approved drainage/grading plan.

### **3.4 Walkways, Driveways and Passageways**

- 3.4.1 Steps, walks, driveways, parking areas and similar facilities shall be maintained in a safe condition, free from hazards including major cracks, uneven surfaces and potholes.
- 3.4.2 Property owners shall remove icicles and other overhead accumulations that may cause injury.

### **3.5 Refuse Storage**

- 3.5.1 Refuse shall be stored in containers of durable, leak-proof construction with tight-fitting lids or covers, and shall not be permitted to accumulate so as to create a health or safety hazard or attract Pests.
- 3.5.2 For non-residential Properties, sufficient receptacles shall be provided and maintained for Refuse and litter generated by customers or members of the public.

### **3.6 Derelict Vehicles**

- 3.6.1 Derelict Vehicles are prohibited on any Property, except on a Property that is zoned, licensed and/or authorized to conduct and operate a business involving Derelict Vehicles, and only then in an arrangement so as to prevent an unsafe or unsightly condition.

### **3.7 Accessory Structures, Fences and Retaining Walls**

- 3.7.1 Accessory Structures, structures, fences and retaining walls shall be maintained in a State of Good Repair and free from health, fire and accident hazards.
- 3.7.2 Dilapidated, collapsed or unsafe Accessory Structures, structures, fences and retaining walls shall be repaired or removed.
- 3.7.3 Exterior finishes shall be protected from deterioration by paint, preservative, or inherently weather-resistant materials.

### **3.8 Signs**

- 3.8.1 All signs and sign supports shall be maintained in good repair, securely fastened, and free from hazards. Abandoned or unsafe signs shall be removed.

### **3.9 Sewage and Wastewater**

3.9.1 Sewage and wastewater shall not be discharged onto the surface of the ground and shall be discharged into an approved municipal sewer system or an approved private sewage disposal system.

## **PART 4 – STANDARDS FOR BUILDINGS AND STRUCTURES**

### **4.1 Structural Condition**

4.1.1 Buildings and structures shall be maintained structurally sound and capable of sustaining their own weight and any loads imposed by normal use and natural causes.

4.1.2 Where, in the opinion of an Officer, there is doubt as to structural condition, the Officer may require a written assessment report by a qualified professional at the Owner's expense.

### **4.2 Fire and Accident Prevention**

4.2.1 Where, in the opinion of an Officer, a condition exists on or about a Property that may cause or contribute to a fire, injury or accident, the Owner shall take all necessary measures to eliminate the occurrence.

4.2.2 Where a building or structure is damaged by fire, explosion, storm or other cause, the Owner shall promptly secure the site, prevent unauthorized entry, and remove or brace dangerous materials.

4.2.3 Where a building or structure is damaged beyond repair, the Owner shall remove the remains and restore the site to a graded and level condition within the time specified in an Order.

### **4.3 Pest Prevention**

4.3.1 Buildings shall be maintained free of Pests.

4.3.2 Openings that permit entry into Buildings by Pests shall be screened or sealed.

### **4.4 Ventilation and Lighting**

4.4.1 Habitable rooms shall have ventilation (natural or mechanical) and lighting consistent with the Building Code.

4.4.2 Mechanical ventilation or air-conditioning systems provided shall be maintained in good working order.

### **4.5 Foundations**

4.5.1 Foundations shall be maintained in good repair to prevent settlement that creates safety hazards and to prevent water ingress and the entry of Pests.

### **4.6 Exterior Walls**

4.6.1 Exterior walls and components shall be maintained weather-tight, in good repair, and free from loose or unsecured materials.

4.6.2 Exterior surfaces shall be maintained to retard deterioration caused by weather, insects, or other causes.

#### **4.7 Roofs and Roof Drainage**

- 4.7.1 Roofs, fascia, soffits, flashings and eaves troughing shall be maintained weather-tight and in good repair.
- 4.7.2 Roof drainage shall be directed so as not to create a hazard or nuisance.

#### **4.8 Exterior Doors and Windows**

- 4.8.1 Exterior doors and windows shall be maintained in good repair, weather-tight and capable of being secured.
- 4.8.2 Broken or missing glass shall be repaired or replaced.

#### **4.9 Interior Surfaces; Moisture and Mould**

- 4.9.1 Interior surfaces shall be maintained in good repair and free from holes, cracks, loose materials and conditions that may constitute a health or safety hazard.
- 4.9.2 Where moisture or dampness causes deterioration or may constitute a health concern, the Owner shall correct the source and repair affected materials.
- 4.9.3 Extensive mould growth shall be removed and the source of moisture corrected.

#### **4.10 Floors**

- 4.10.1 Floors shall be maintained in a safe condition free from hazards including loose materials, major depressions or protrusions.
- 4.10.2 Floors in kitchens, bathrooms and washrooms shall be maintained reasonably impervious to water and in a condition that permits cleaning.

#### **4.11 Stairs, Guards and Handrails**

- 4.11.1 Stairs, balconies, porches, decks and similar structures shall be maintained in good repair and free from defects that create accident hazards.
- 4.11.2 Guards and handrails shall be provided and maintained where required by the Building Code.

#### **4.12 Chimneys, Flues and Vents**

- 4.12.1 Chimneys, flues and vents shall be maintained to prevent the leakage of gases and to prevent fire hazards.

### **PART 5 – STANDARDS OF FITNESS FOR OCCUPANCY**

#### **5.1 Plumbing and Sanitary Facilities**

- 5.1.1 Plumbing systems and fixtures shall be maintained in good working order and free from leaks or defects.
- 5.1.2 Every Dwelling shall be supplied with potable water from an approved source and connected to an approved sewage disposal system.
- 5.1.3 Every Rental Unit shall contain sanitary facilities including a toilet, wash basin, and bathtub or shower, maintained in good working order.
- 5.1.4 Hot water shall be provided in a safe manner and in accordance with applicable standards.

## **5.2 Heating and Vital Services**

- 5.2.1 Every Dwelling shall be provided with heating facilities capable of maintaining a safe temperature in all Habitable Rooms.
- 5.2.2 Heating equipment shall be maintained in good working order, vented safely, and shall be capable of safely supplying heat to Habitable Rooms.

## **5.3 Electrical Service**

- 5.3.1 Electrical systems shall be maintained in safe working order and in accordance with applicable standards.

## **5.4 Kitchens**

- 5.4.1 Every Dwelling shall contain a kitchen area with a sink served with hot and cold running water, and suitable space for cooking and refrigeration.

## **5.5 Occupancy Standards**

- 5.5.1 Non-habitable rooms shall not be used as habitable rooms.
- 5.5.2 Basements used as habitable space shall meet requirements of the Act and the Building Code for egress, light, ventilation and moisture protection.

## **5.6 Thermal Insulation**

- 5.6.1 Where practical and as part of repairs, insulation shall be installed or maintained to minimize heat loss and moisture condensation consistent with applicable Building Code requirements.

## **5.7 Egress**

- 5.7.1 Means of egress shall be maintained safe, continuous and unobstructed. Where secondary egress is required by the Building Code, it shall be provided and maintained.

## **PART 6 – VACANT BUILDINGS**

### **6.1 Securing Vacant Buildings**

- 6.1.1 Vacant Buildings shall be secured against unauthorized entry.
- 6.1.2 Doors, windows and other openings shall be closed and secured or boarded with weather-resistant materials that fully cover the opening and are securely fastened.
- 6.1.3 Boarding materials shall be maintained in good repair and, where visible from a public highway, finished in a manner compatible with the exterior of the building.

### **6.2 Utilities**

- 6.2.1 Where a building remains a Vacant Building for more than ninety (90) days, all utilities servicing the building, except those necessary for safety or security, shall be properly disconnected or otherwise secured to prevent accidental or malicious damage.

## **PART 7 – ADMINISTRATION AND ENFORCEMENT**

### **7.1 Appointment**

- 7.1.1 A Property Standards Committee is hereby established in accordance with section 15.6 (1) of the Act for the Municipality.

7.1.2 The members of the Council for The Corporation of the Municipality of Arran-Elderslie shall be the members of the Property Standards Committee.

7.1.3 The members of the Property Standards Committee shall hold office for the term of the Council of which they are members.

## **7.2 Secretary**

7.2.1 The Municipality's Clerk or designate shall be the Secretary for the Property Standards Committee.

7.2.2 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 253 of the *Municipal Act, 2001*, as amended, applies with necessary modifications to the minutes and records.

## **7.3 Appointment of Officer**

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

## **7.4 Inspections and Entry**

7.4.1 An Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting the Property to determine whether it conforms with this by-law or whether an Order has been complied with.

7.4.2 An Officer shall not enter a room or place actually being used as a Dwelling without the consent of the occupier, a warrant, or other lawful authority, except where delay would result in an immediate danger to health or safety.

## **7.5 Orders**

7.5.1 Where an Officer finds that Property does not conform with this by-law, the Officer may make an Order that:

- (a) states the municipal address or legal description of the Property;
- (b) gives reasonable particulars of the repairs to be made or states that the site is to be cleared;
- (c) indicates the time for complying;
- (d) gives notice of the right to appeal and the final date for appeal; and
- (e) gives notice that if the work is not done the Municipality may carry it out at the Owner's expense.

## **7.6 Appeals**

7.6.1 An Owner or occupant served with an Order may appeal the Order by delivering a notice of appeal to the Secretary within fourteen (14) days after being served.

7.6.2 The Committee may confirm, modify, extend or rescind the Order.

## **7.7 Failure to Comply; Municipal Remedial Work; Cost Recovery**

7.7.1 If an Order is not complied with, the Municipality may cause the Property to be repaired, cleaned up, cleared, demolished or secured at the Owner's expense.

- 7.7.2 For the purpose of section 7.7.1 of this by-law, employees or agents of the Municipality may enter the Property at any reasonable time, without a warrant, in order to repair, clean, clear, demolish, or secure the Property.
- 7.7.3 The Municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under section 7.7 of this by-law.
- 7.7.4 The Municipality shall have a lien on the Property for the amount spent on the repairing, cleaning, clearing, demolishing or securing under section 7.7 of this by-law and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*.

## **7.8 Offences & Penalties**

- 7.8.1 Any person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a penalty or penalties as set out in section 36 of the Act.
- 7.8.2 Any person who fails to comply with an Order that is final and binding under this by-law is guilty of an offence and, upon conviction, is liable to a penalty or penalties as set out in section 36 of the Act.
- 7.8.3 Any person who obstructs or interferes with an Officer in the performance of their duties under this by-law, or anyone acting under that Officer's authority, is guilty of an offence and, upon conviction, is liable to a penalty or penalties as set out in section 36 of the Act.

## **7.9 Severability**

- 7.9.1 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 shall continue in force and effect.

## **PART 8 – REPEAL, TRANSITION AND COMING INTO FORCE**

### **8.1 Repeal**

- 8.1.1 By-law 18-2000, as amended, is hereby repealed on the date this by-law comes into force and effect.

### **8.2 Transition**

- 8.2.1 Orders issued under By-law 18-2000 that are in effect on the date this by-law comes into force and effect shall continue in effect until complied with, modified, rescinded or otherwise resolved.
- 8.2.2 Enforcement proceedings commenced under By-law 18-2000 that are ongoing or in effect on the date this by-law comes into force and effect shall continue until finally concluded.
- 8.2.3 This by-law comes into force and effect on the date of passing.

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Read a first and second time this 22nd day of June, 2026

Read a third time and finally passed this 22nd day of June, 2026

***Original Signed By***

\_\_\_\_\_  
Mayor Steve Hammell

***Original Signed By***

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Clerk – Christine Fraser-McDonald