

**THE CORPORATION OF THE
TOWNSHIP OF ALNWICK/HALDIMAND**

BY-LAW NO. 10-2015

**BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE OF THE
PHYSICAL CONDITION AND OCCUPANCY OF PROPERTY IN DEFINED AREAS
OF THE TOWNSHIP OF ALNWICK/HALDIMAND**

WHEREAS the Ontario Building Code Act, S.O. 1992, c.23, Section 15(3) provides for the Councils of municipalities to pass by-laws prescribing standards for the maintenance and occupancy of property and requiring non-conforming properties to be brought into conformance with the by-law;

AND WHEREAS the Council of the Township of Alnwick//Haldimand deems it necessary and expedient to pass a By-law prescribing standards for the maintenance and occupancy of property within certain areas of the Municipality and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property below the standards prescribed in the By-law to be repaired and maintained to comply with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or leveled condition;

AND WHEREAS it is desirable for the protection of the safety, health and well being of the residents, and;

NOW THEREFORE the Council of The Corporation of the Township of Alnwick/Haldimand hereby ENACTS as follows:

SECTION 1 - TITLE, APPLICATION AND SCOPE

1. Title of By-Law

This By-Law may be cited as the "Property Standards By-Law"

2. Application

The provisions of this By-law shall apply to all property within the geographic limits of the Township of Alnwick/Haldimand.

3. Scope of By-law

When 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.

4. Interpretation

Unless the contrary intention appears in this by-law, words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one, and females as well as males; and the converse.

In this by-law, unless the context clearly requires otherwise, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; the word "use" or "to use" includes "arrange for use", "design for use", "intend for use", "permit to be used", and "erect for use"; and the word "shall" is mandatory and not discretionary.

Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either-or", the conjunction shall be interpreted as follows:

- a.) "and" indicated that all connected items, conditions, provisions or events shall apply in any combination;
- b.) "or" indicates that the connected items, conditions, provisions or events may apply single or in combination;
- c.) "either-or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination.

1. General Duty to Repair and Maintain Property

- a.) 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.) 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. 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 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 exterior 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 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.
- c.) 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

1. Accessory Building - means a detached building or structure, the use of which is customarily incidental and subordinate to a principle use, building or structure and located on the same lot therewith.

2. Approved – means, as applied to a grade, material, device or method of construction, 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 other authority designated by law to give approval to the matter in question.
3. Balustrade - means a row of balusters or spindles surmounted by a railing.
4. Bathroom - means a room containing at least one toilet and bathtub or shower, or two rooms, which contain a total of at least one toilet and one bathtub or one shower.
5. Basement - means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to finished ceiling, above the adjacent finished grade level adjacent to the exterior walls of the building. 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.
6. Building - means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.
7. Committee - means a Property Standards Committee, established under Section 15.6 of The Building Code Act, S.O. 1992, c.23 as set out in this By-law.
8. Corporation - means The Corporation of the Township of Alnwick/Haldimand.
9. 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 shall include any mobile dwelling unit.
10. 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.
11. 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 there from.
12. 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.
13. Habitable Room - means a room designed for living, sleeping, eating or food preparation including a den, library, sewing-room or enclosed sunroom.
14. Maintenance - means a preservation and keeping in good repair of a property.
15. Municipality - means the Township of Alnwick/Haldimand.

16. Multiple-Use Building - means a building used or capable of being used for both residential and non-residential purposes.
17. Non-Residential Property - means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
18. 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, create or is liable to create, by reason of destructive gas or fumes, dust, objectionable odor, 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 normal enjoyment of any use of land, building, or structure.
19. Notice - means a notice of violation and order to demolish or repair property served by an officer pursuant to this By-law.
20. Occupancy - means a use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.
21. Occupant - means any person or persons over the age of eighteen years in possession of the property.
22. Officer - means a Property Standards Officer appointed by the Corporation to administer and enforce this By-law.
23. Owner - includes:
 - a. the person who, for the time being, receives the rent of, or manages, or pays the municipal taxes on residential property in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive rent if the residential property were let; or
 - b. a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement; or
 - c. the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee for any other person or who would so receive the installments of the purchase price if such land or premises were sold under an agreement of sale; and
 - d. 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.
- 24.) 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 the law.
- 25.) Plumbing and Plumbing Fixtures - means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connection to water, gas, sewerage, or vent pipes.

- 26.) Premises - means that portion of real property which is owned by a specific person and includes all buildings and structures thereon.
- 27.) 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.
- 28.) Repair - means taking the necessary action to bring property to the standards prescribed by this By-law.
- 29.) Residential Property - means any property that is used, or designed for use, as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment.
- 30.) Sewerage System - means a private sewage disposal system approved by the Medical Officer of Health.
- 31.) Standards - means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this By-law.
- 32.) Sub-Standard - means a quality less than that required by this By-law.
- 33.) Supplied - means installed, furnished or provided by the owner.
- 34.) Unsafe Condition - means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the premises.
- 35.) Yard - means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted.
- 36.) Zone, (Zoning) - Means an area of the municipality as delineated, designated, and described in the zoning by-law.

SECTION 3 - MAINTENANCE OF YARD AND ACCESSORY BUILDINGS, (ALL ZONES)

1.) Yards

All yards shall be kept in a neat and tidy condition, free from:

- a.) rubbish, garbage, waste and other debris;
- b.) objects and conditions that are health, fire or accident hazards;
- c.) heavy undergrowth and noxious plants, such as ragweed, poison ivy, poison oak, etc. and 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 out of character with the surrounding environment.

2.) Landscaping

- a.) Hedges, planting, trees or other landscaping, required by the Municipality as a condition of site development, redevelopment or rearrangement, 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 groundcover, and such grass has been killed, such dead areas shall be re-sod or reseeded or sod laid 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.) Rubbish

- a.) Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes 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.

4.) Passageways

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.

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 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 neighboring property or into a sanitary sewer.

6.) Sewage

All sewage shall be discharged into a private sewage disposal system approved by the Medical Officer of Health and at no time shall sewage be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.

7.) Signs

All signs permitted under By-laws of the Corporation shall be maintained in a good state of repair.

8.) Accessory Buildings and Fences

a.) Accessory buildings including garages, carports, and fences 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. Without restricting the generality of the foregoing, accessory buildings used during the normal pursuits of agriculturally-based operations shall be kept as weather resistant as is commonly accepted for such uses.

d.) All dilapidated auxiliary buildings and fences shall be removed or repaired.

SECTION 4 - MAINTENANCE OF BUILDINGS

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.

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, the building code shall apply to the extent necessary to abate the unsafe condition.

b.) In the event that strict application of the regulations in the building code is not practical, the Property Standards Officer may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the detailed building code regulations.

- c.) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.
- d.) In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- e.) Materials of an inflammable nature shall be safety stored or removed at once from the property.

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 material as will effectively exclude rodents.

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 and every bathroom and toilet room shall have adequate 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.

5. Foundations

- a.) The foundation walls and the basement, cellar, or crawl space of a building or an accessory structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance of the building, or the entrance of moisture, insects, or rodents into the building.

- b.) Without limiting the generality of subsection (a), the maintenance of a foundation includes:
 - i) the jacking-up, underpinning or shoring of the foundation where necessary;
 - ii) installing subsoil drains at the footing where such would be beneficial;
 - iii) the grouting of masonry cracks;
 - iv) waterproofing the walls and joints;
 - v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of 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 resistant to insects by the application of suitable materials or treatment.

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 and in a manner to prevent deterioration due to weather or infestation or deterioration detrimental to the appearance of the building.
- b.) Without limiting the generality of subsection a), the maintenance of exterior walls includes:
 - 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 walls and joints.

7. Roof

- a.) The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in a weather tight condition so as to prevent leakage.
- 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 rain water piping, and using other suitable means.
- c.) Eavestroughs and downpipes shall be kept in good repair, in good working order and watertight and free from leaks.

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 thresholds, window sashes and window frames and casings, screens, refitting doors windows, weather-stripping, repairing or replacing defective or missing door and window hardware, re-screening, re-glazing 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, to maintain an appearance commensurate with the surrounding environment.

9. Walls and Ceilings

- a.) Interior walls and ceiling shall be maintained in good condition and free of holes or cracks and 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.

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 are health, fire or accident hazards.
- 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 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.

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 of 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 structure members that are rotted or deteriorated.

- c.) Painting or coating with 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.

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 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
- 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

1. Plumbing and Plumbing Fixtures

- a.) All installed plumbing, including plumbing fixtures, drains, vents, waterpipes, 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 potable running water from a source approved by the Medical Officer of Health.
- c.) All dwellings shall have the sanitary facilities connected to a sewer system approved by the Medical Officer of Health.
- a.) Within the exterior walls of a dwelling unit there shall be provided, accessible and available for all occupants, a bathroom and 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 with all in good working order;
 - iv.) served with hot and cold running water (cold water connecting only to water closet or urinal);
 - v.) 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 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 closed room, and conveniently accessible to all employees.

2. Heating System

- a) Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of twenty-two degrees centigrade in all habitable rooms, bathrooms, and toilet rooms.
- b) The heating system required by subsection a) shall be maintained in 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 fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

3. Electrical Service

- a) A residence unit and, where required by the building code, 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 electrical power available at all times in all parts of the room.
 - b) The capacity of the connection to the building and the system of circuits distributing the electrical supply with the building shall be adequate for the use and intended use and shall be in compliance with the building code.
 - c) Every habitable room, except 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 industry standards.
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 will be provided with an adequate and approved gas or electrical supply.
- 5.
- 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 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 or 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.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT

1. Property Standards Committee
- a) A Property Standards Committee is hereby established consisting of all members of the current municipal Council.
 - b) The members of the Committee shall elect one of themselves as Chairman, and when the Chairman is absent through illness or otherwise the Committee may appoint another member to act as Chairman PRO TEMPORE, any member of the Committee may administer oaths.
 - c) The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 216 of THE MUNICIPAL ACT applies MUTATIS MUTANDIS to such documents.

- d) A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under subsection (3)a), shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

2. Property Standards Officer

- a) The Property Standards Officer shall be responsible for the administration and enforcement of this By-law, subject to review by the foregoing Committee, as per attached Schedule "A" – By-law enforcement policy and procedures.
- b) The Property Standard Officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property, provided, however, that he shall not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under Section 21(i) of The Ontario Building Code.
- c) If after inspection the officer is satisfied that, in any respect the property does not conform to the standards prescribed in this By-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and such other persons affected by it as the officer determines, a notice containing particulars of the non-conformity and may at the same time, provide all occupants with a copy of such notice.
- d) The notice outlined in subsection c) above shall also set for the date, time and place of a hearing to be held by the Property Standards Officer to determine what action must be taken with respect to the dwelling, and informing the owner that he or his representative is entitled to appear at the said hearing and make such representations and present such evidence as he so desires and that, in the event that he does not appear at the said hearing, a decision made by the Property Standards Officer in his absence.

The said notice may also contain any other information that the Property Standards Officer deems necessary.

- e) After affording any person served with a notice an opportunity to appear before the officer and to make representation in connection therewith, the officer shall make and serve or cause to be served upon or send by prepaid registered mail to such person, an order containing;
 - i) the municipal address or legal description of the property;
 - ii) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and leveled condition and the period in which there must be compliance with the terms and conditions of the order and notice that if such repairs and clearances is not so done, within the time specified in the order, the Municipality may carry out the repairs or clearance at the expense of the owner;

- iii) the final date for giving notice of appeal from that order.
- f) A notice or an order when sent by registered mail shall be sent to the last known address of the person to whom it is sent, and shall begin on the day following the day on which the notice is given.
- g) If an officer is unable to effect service of a notice or of an order he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons, and no person shall put down or deface any such placard.
- h) An order may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served and when requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the property registry of land titles office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

3. Appeal

- a) When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days, excluding Saturdays, Sundays and holidays and all other days when the offices of the principal authorities are not open for the transaction of business with the public, after service of the order, and in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- b) Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer and may conform to the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the By-Law and of the Official Plan or policy statement are maintained.
- c) The Municipality or any owner or any occupant or any person affected by a decision may appeal to a judge of the County or District Court of the judicial district in which the property is located by so notifying the Clerk of the corporation in writing and by applying for an appointment within fourteen (14) days after the decision is given and;
 - i.) the judge shall in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such person and in such manner as he prescribes;
 - ii.) the appointment shall be served in the manner prescribed; and;
 - iii.) the judge on such appeal has the same power and functions as the Committee.

4. Power of The Corporation to Demolish or Repair

- a) The order as deemed to have been confirmed by the officer, or as confirmed by the Committee, or, in the event of an appeal to the judge as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified, in addition to all other remedies:
 - i.) the Corporation shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - ii.) the Corporation shall not demolish any dwelling without first obtaining approval of the Council and;
 - iii) the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collector's Roll of Taxes and shall be deemed to be municipal real property taxes and;
 - iv) the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under provision of this By-law.

5. Certificate of Compliance

Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards so established by this By-law, and the Council of the Municipality may prescribe a fee payable for such a Certificate, where it is issued at the request of the owner.

6. Penalties

- a) Any person who fails to comply with an order which has been issued by an officer, and/or the Property Standards Committee and/or a judge and if the order is deemed to have been confirmed, is guilty of an offence and upon conviction thereof, is liable to a penalty of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.

If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

In accordance with Section 15.7-(10) of the Ontario Building Code Act, the amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in Section 1 of the Municipal Act, 2001. 2002, c.17, Schedule F. For the purposes of this section, an offence is a subsequent offence if there has been a previous conviction under this by-law.

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/
HALDIMAND BY-LAW NO. 10-2015, BEING A BY-LAW TO
PROVIDE STANDARDS FOR THE MAINTENANCE OF THE
PHYSICAL CONDITION AND OCCUPANCY OF PROPERTY
IN DEFINED AREAS OF THE MUNICIPALITY**


Pg. 17

7. Every person who fails to comply with an order made by a chief building official or property standards officer under this by-law is guilty of an offence and on conviction, in addition to the penalties mentioned in section 6 subsection (6), is liable to a fine of not more than \$ 10,000.00 per day for every day the offence continues after the time given for complying with the order has expired.
8. In the event that any section of this By-Law, including any section or part of any of the schedules hereto, is declared by a court of competent jurisdiction to be invalid, the remaining parts shall remain valid and binding and shall be read as if the offending section had been struck out.
9. That By-Law No. 52-2006 be hereby rescinded in its entirety.

This **By-Law No. 10-2015** be read and deemed to be PASSED this 5th day of February, 2015.



MAYOR, JOHN LOGEL



MUNICIPAL CLERK, ROBIN VAN DE MOOSDYK