

THE CORPORATION OF  
THE TOWNSHIP OF GEORGIAN BAY

By-law Number 2009-74

Being a By-law for prescribing standards for the maintenance and occupancy of property within the Municipality of the Town of Georgian Bay; for prohibiting the occupancy or use of such property below the standards prescribed herein to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

WHEREAS the Township of Georgian Bay has an Official Plan, which includes provisions relating to property conditions;

AND WHEREAS section 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23, authorizes the passing of a by-law prescribing standards for maintenance and occupancy of property;

AND WHEREAS the Council of the Corporation of the Township of Georgian Bay deems it necessary and in the public interest to enact a by-law prescribing standards for the maintenance and occupancy of property within the Town;

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bay, pursuant to Section 15.1-(1) of the Building Code Act, S.O., 1992, c.23 and amendments thereto enacts as follows:

PART A – GENERAL

SECTION 1 – TITLE

This By-law may be cited as “The Property Maintenance and Occupancy Standards By-Law.”

SECTION 2 – DEFINITIONS

In this By-law:

“Accessory Building or Structure” means a detached building or structure that is not used for human habitation; but the use of which is naturally and normally incidental to, subordinate to, a principal use of building and located on the same lot therewith, and shall also mean and include a detached private garage or a detached carport.

“Accessory Use” means a use customarily incidental to, subordinate to and exclusively devoted to a principal use and located on the same lot therewith.

“Approved” means acceptance by the Property Standards Officer.

“Approved Sewage System” means the municipal sanitary sewage system or a private sewage disposal system approved by the Ministry of Environment or the Chief Building Official.

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

(a) a deck or dock shall be included within the definition of “building”.

“Building Code” means regulations enacted under section 34 of the Building Code Act, 1992 as amended.

“Cellar” means a storey that is more than 50% below grade, as defined in the Ontario Building Code.

“Committee” means a Property Standards Committee established under Section 15.6 of the Building Code Act which will be the Technical Services Standing Committee of The Township of Georgian Bay.

"Corporation" means the Corporation of the Township of Georgian Bay.

"Downtown Core" means the area defined by resolution of Council as the Downtown Core. "

"Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, a whole or in part for the purpose of human habitation.

"Dwelling Unit" means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate house-keeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which has a private entrance from outside the building or from a common hallway or stairway inside the building. For the purposes of this By-law a dwelling unit does not mean or include a tent, or a room or suite of rooms in a hotel, motel, motor hotel or tourist home.

"Fire Resistance Rating" means the time as defined in the Ontario Building Code that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.

"Guard" means a protective barrier installed around openings in floor areas, open sides of stairways, landings, balconies, mezzanines, galleries or raised walkways, or other locations as required to prevent accidental falls from one level to another.

"Habitable Room" means a room in a dwelling used or intended to be used primarily for human occupancy for the purposes of living, sleeping, cooking or eating, but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

"Hobby Vehicle" means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property; a race car, show car or vehicle or similar vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion.

"Inoperative Vehicle" means any unlicensed vehicle or any vehicle having missing parts, including: tires, damaged or missing glass, deteriorated or removed metal components, which prevents its mechanical function. This includes commercial and industrial vehicles and equipment, snowmobiles, motorcycles, all terrain vehicles, trailer, boats, marine equipment and trailers.

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

"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 with a building, floor area, room or contained open space to a public thoroughfare or approved open space.

"Multiple Dwelling" means a building which contains two or more dwelling units.

"Multiple Use Building" means a building containing one or more dwelling units and one or more non-residential uses.

"Major Recreational Equipment" means a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels for the purpose of providing temporary living accommodation and shall include: motor homes, travel trailers, tent trailers, watercraft, watercraft trailers, or other like similar equipment.

"Motor Vehicle" means any wheeled vehicle that is self-propelled by an engine such as a car or truck that does not run on rails.

“Non-habitable Room” means any room in a dwelling or dwelling unit or other than a habitable room, and including a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling and for access to, and vertical travel between storeys.

“Occupancy” means the use or intended use of a building or part thereof, for the shelter or enclosure of persons, animals or property.

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

“Officer” means a Property Standards Officer who has been appointed under section 8 of this By-Law.

“Owner” includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether 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” includes an individual, corporation, partnership, bridge authority, agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“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.

“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 lands or buildings that are appurtenant to such establishment, and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

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

“Structure” means anything constructed placed or erected, the use of which requires location on the ground, or attached to something having location on the ground.

### SECTION 3 – GENERAL PROVISIONS

- 3. (a) Application of By-law: This By-law shall apply to all property lying within the boundaries of the Corporation Township of Georgian Bay.
- 3. (b) General – Obligations
  - (i) Any owner of property in the township of Georgian Bay shall maintain and repair their property in accordance with the standards prescribed by this By-law.
  - (ii) The Owner of any property that does not conform to the standards shall:
    - (1) repair and maintain the property in accordance with the standards;
    - or
    - (2) remove or demolish and remove the whole or the offending part of any property that is not in accordance with the standards;
    - or

- (3) clear the site of all buildings and structures, debris and refuse, and leave the property in a graded and leveled condition.
- (4) where applicable, the appropriate building or demolition permits be obtained prior to work commencing
- (iii) Any repairs or maintenance undertaken by the Corporation to bring a property into compliance with this By-law will be subject to a twenty five (25) percent surcharge.
- (iv) All repairs and maintenance of the property shall be carried out with suitable and sufficient materials in a manner accepted as good workmanship within the trade. All repairs or new construction shall conform to the Ontario Building Code, and be completed within a reasonable time frame or a pre-determined date.
- (v) Where an officer has placed or caused the placing of a placard containing the terms of a Notice or Order upon any premises under the authority of Section 15.2 (3) of the Building Code Act, 1992 no person shall remove such placard except with the consent of the Officer.

#### PART B – PROPERTY STANDARDS

#### SECTION 4 – MAINTENANCE STANDARDS

##### 4. (a) Surface Conditions:

The surface condition of yards shall be maintained so as to:

- (i) prevent instability or erosion of soil;
- (ii) not exhibit an unsightly appearance;
- (iii) provide a safe passage under normal use and weather conditions, day or night;
- (iv) not to create a nuisance to other properties;
- (v) be kept free of garbage and refuse;
- (vi) be kept free of deep ruts and holes;
- (vii) prevent ponding at building and storm water from entering building.
- (viii) prevent an excessive accumulation of materials which is out-of-character with the surrounding environment.
- (ix) prevent an excessive accumulation of machinery or parts thereof which are apparently unused or which are out-of-character with the surrounding environment

##### 4. (b) Sewage and Drainage

- (i) Sanitary sewage shall be discharged into an approved sewage system.
- (ii) Sanitary sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- (iii) No drainage or waste water of any kind shall be discharged on roads, sidewalks, stairs or neighbouring property except into a natural or designed drainage system.
- (iv) Natural soil, topsoil, road gravel or other fill material shall not be permitted to erode by the action of wind or storm water runoff if such material is being carried onto adjacent property.
- (v) Storm water, including basement sump pump water and rainwater, shall not be drained into a sanitary sewer.

##### 4. (c) Accessory Buildings

- (i) Accessory buildings, retaining walls, signs and other designated structures appurtenant to the property shall be maintained in a structurally sound condition and kept in good repair to prevent any hazard to persons or property.
- (ii) Accessory buildings, retaining walls, signs and other designated structures shall be protected from deterioration by the application of appropriate weather resistant materials, including paint or other suitable preservative, and be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

##### 4. (d) Garbage Disposal

- (i) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, rubbish, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover and shall be maintained in a clean and odor free condition at all times.

- (ii) Accumulation or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.
4. (e) Pest Control
- (i) Dwellings shall be kept as free as practical of rodents, vermin and insects at all times. Methods used for exterminating such pest shall be in accordance with the provisions of the Pesticide Act, R.S.O. 1990, c.P.11.
  - (ii) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

PART C – BUILDING and RESIDENTIAL OCCUPANCY STANDARDS  
SECTION 5 – BUILDING STANDARDS

5. (a) Foundations
- (i) The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by shoring of the walls, grouting masonry cracks, damp proofing the walls or floors, and installing subsoil drains at footing levels.
  - (ii) Every basement, cellar and crawl space in a building shall be adequately drained.
  - (iii) Every foundation, wall or pier, structural member or material that has been damaged or indicate evidence of deterioration shall be repaired or replaced in accordance with the Ontario Building Code.
5. (b) Building and Structures
- (i) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
  - (ii) All exterior walls, roof, porch, chimney or appurtenance of a building shall be of materials which provide adequate protection from the weather and shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the dwelling, or to the public.
  - (iii) Exterior walls of a building or structure, and their components, including soffits, fascia, roofs, windows and door, shall be maintained in good repair, free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent the entry of water into the building envelope and deterioration due to weather conditions, insects or other damage.
  - (iv) Exterior walls of a building or structure and their components shall be kept free of painted slogans, graffiti and similar defacements.
5. (c) Doors and Windows
- (i) Windows, doors, skylights and basement or cellar hatchways, shall be maintained in good repair, be weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair. Windows shall be free of cracks and breaks.
  - (ii) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside a dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
  - (iii) Where fire resistant doors exist in dwelling units, they shall be maintained in a condition which maintains the fire resistant rating for which the door was originally designed.
5. (d) Stairs, Steps and Porches
- (i) Inside or outside stairs, steps, porches, balconies, decks and landings shall be maintained so as to be free of holes, cracks or other defects which may constitute possible accident hazards. Existing stair treads, steps, handrails or risers that show

- excessive wear or are broken, warped or loose, and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- (ii) Exterior steps, decks, walks and driveways shall be maintained so as to afford safe passage under normal use and weather conditions.
  - (iii) Guard protection shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers, including the landing, or a height of 24 inches (600mm). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guard protection and handrails shall be constructed in accordance with the Ontario Building Code, and maintained rigid in nature.
5. (e) Egress
- (i) Every building shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
  - (ii) The means of egress and fire warning devices in all buildings shall be maintained in accordance with O. Reg.388/97.
5. (f) Walls, Floors and Ceilings
- (i) Every wall, floor, and ceiling finish shall be maintained so as to be free of defects which would permit flame or excessive heat to enter any concealed space.
  - (ii) Where fire resistant walls, floors or ceilings exist between separate dwelling units, they shall be maintained in a condition which maintains the fire resistant rating for which the wall was originally designed.
  - (iii) Where floor boards have been covered with linoleum or some other covering which has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired or replaced.
  - (iv) Where wall studs and ceiling joist are covered with drywall or some other covering which has become worn or damaged so that it may cause an accident, the covering shall be repaired or replaced.
5. (g) Insulation
- (i) Thermal insulation and air/vapour barriers of buildings to minimize heat losses shall be installed or maintained to prevent the condensation of water on exterior walls, ceilings or floors.

## SECTION 6 – RESIDENTIAL OCCUPANCY STANDARDS

### General Conditions

Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws. Accumulation or storage of garbage, refuse, appliances or furniture in public hallways or stairways shall not be permitted.

### 6. (a) Maintenance

- (i) Every floor, wall, ceiling, fixture and appliance in a dwelling shall be kept free from rubbish, mold, debris or conditions which constitute a fire, accident or health hazard.

### 6. (b) Water Supply

- (i) Every dwelling unit shall be provided with a safe and adequate supply of running water and potable water from a source approved by the appropriate authority. If the piped supply is not potable all fixtures must be labeled to indicate such and an adequate supply of potable water must be maintained within each dwelling.
- (ii) All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110F).

### 6. (c) Plumbing

- (i) All plumbing, drain pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system or water system shall be maintained in good

working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing. Water back flow preventors are required at each exterior hose bib.

- (ii) All plumbing fixtures shall be connected to the building drain through water seal traps.
6. (d) Toilet, Kitchen and Bathroom Facilities
- (i) Every self-contained dwelling unit shall be provided with at least one kitchen sink, water closet, washbasin and bathtub or shower and an approved means of sewage disposal.
  - (ii) Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have a supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
  - (iii) Where a toilet, kitchen or bathroom is shared by the occupants of a residential accommodation other than self-contained dwelling units, an entrance shall be provided from common passageway, hallways, corridor or other common space.
6. (e) Bathrooms and Toilet Rooms
- (i) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.
  - (ii) A wash basin shall be located in the same room as the water closet, and where this is not possible; a wash basin shall be located in a room conveniently adjacent to the room containing the water closet.
6. (f) Kitchens
- Every dwelling shall contain a kitchen area equipped with:
- i) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - ii) a suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
  - iii) a counter or work area at least 0.61 metres (2 feet) in width by 1.22 metres (4 feet) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and,
  - iv) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.
6. (g) Heating Systems
- (i) Every dwelling shall be provided with suitable heating facilities capable of maintaining a minimum indoor temperature of 20 degrees Celsius.
  - (ii) The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard at any time.
  - (iii) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located.
  - (iv) Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located, enclosed or separated from the remainder of the building in conformance with the Ontario Building Code and/or Ontario Fire Code
6. (h) Chimneys
- (i) Any heating apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke-pipe, vent-pipe or similar adequate chimney, as provided in the manufacturer's installation instructions and in accordance with the Ontario Building Code.
  - (ii) All gaseous and liquid fuel burning appliances and equipment shall be installed and maintained to comply with the Ontario Energy Act, R.S.O., 1998, S.O. 1998, c.15 and the regulations made there under, or other applicable legislation.
  - (iii) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into the dwelling. Abandoned flues and chimneys shall be either removed or maintained in a safe condition, including being adequately capped.
  - (iv) All flues shall be kept clear of obstructions. All open joints shall be sealed and all broken and loose masonry shall be repaired.

- 6.(i) Fire Alarms, Carbon Monoxide Detectors and Smoke Alarms
- (i) Every dwelling unit shall be equipped with smoke alarms located between the bedrooms and the remainder of the dwelling unit, or as specified in the Ontario Building Code.
  - (ii) A carbon monoxide detector shall be installed and maintained in all dwellings that are equipped with a fuel fired appliance or a "built - in" garage located in accordance with the Ontario Building Code.
6. (j) Electrical Services
- (i) Where available, an electrical service complying with the requirements of the electricity service provider shall be provided for all residential accommodation.
  - (ii) The electrical wiring and all electrical fixtures, switches receptacles and appliances located or used in dwellings, dwelling units shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established in the Canadian Electrical Code.
  - (iii) Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space, and for each additional 9.3 square metres (100 sq. ft.) of floor area, an additional duplex shall be provided.
  - (iv) Extension cords shall not be used on a permanent basis.
6. (k) Light
- (i) Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.
  - (ii) The owner shall insure that all public halls, stairs and outside entrances in multiple dwellings shall be adequately lighted
6. (l) Ventilation
- (i) Every habitable room and basement shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow as required by the Ontario Building Code.
  - (ii) An opening for natural ventilation may be omitted if mechanical ventilation is provided, which changed the air once each hour.
  - (iii) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
  - (iv) Unheated crawl spaces shall be adequately vented to the outside air.

**PART D – ADMINISTRATION & ENFORCEMENT**  
**SECTION 7-ORDERS**

**7. (a) Order- issued**

Every officer who finds that a property does not conform with any of the standards prescribed in this bylaw, may make an order pursuant to the provisions of the Building Code Act

**(b) Order- appeal**

Where a person is served an order under section 15.2(2) of the Building Code Act, and wishes to appeal the contents of the order, they may file an appeal by:

- (i) sending a Notice of Appeal to the secretary of the Property Standards; and
- (ii) such Notice sent by Registered mail within 14 days of the order being served

**(c) Order-confirmed**

Every order shall be deemed confirmed where an appeal has not been filed within the prescribed period

**(d) Order-compliance**

Every person to whom an order is issued shall, where the order has been confirmed, comply with the requirements and/or conditions of the order by the prescribed date.

**(e) Order-failure to comply**

Failure to with the requirements of an order shall constitute an offence pursuant to section 36 of the Building Code Act, S.O. 1992, c23, as amended.



(f) Municipality-work to be done

Where an owner fails to comply with the conditions of an order within the prescribed time period, the Corporation and its agent may enter upon the property and take the actions necessary for compliance with the order.

(g) Municipality-recovery of costs

All costs incurred by the Corporation under Section 7(f) may be recovered as taxes upon the property.

(h) Fine for contravention

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with section 36 of the Building Code Act, S.O. 1992, c.23, as amended, for each offence committed.

8. (a) Property Standards Officer

Each Building Official and Bylaw Officer of the Corporation is hereby designated as a Property Standards Officer.

8. (b) Property Standards Committee

(i) A Committee, of at least three persons, to be known as the Property Standards Committee of the Township of Georgian Bay is established.

(ii) The Property Standards Committee of the Township of Georgian Bay shall consist of the members of the Technical and Development Services Standing Committee. The members of the Committee shall serve for the term of Council.

8. (c) Certificate of Compliance:

Upon the issuance of a Certificate of Compliance at the request of an owner, a fee is payable in accordance with the User Fee By-Law 2006-2, as amended (Schedule G).

8. (d) Conflicts with Other By-laws:

Wherever a standard established by this By-law is different from a standard in relation to the same matter established by any other By-law in force in the Township of Georgian Bay, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.

8. (e) Penalties

Except as hereinafter provided, every person who contravenes any of the provisions of this By-law is guilty of an offence and liable to the penalties set out in the Building Code Act, 1992.

8. (f) Transition Provision:

After the day of passage of this By-law, By-law 93-38 applies only to properties in respect of which an Order has been given under said by-law, prior to the date of passing of this By-law and only to such properties until such time as the work required by such Order has been completed or enforcement proceedings in respect of such Order, including demolition or repair by the corporation have been concluded.

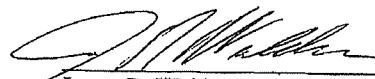
8. (g) Repeal By-law

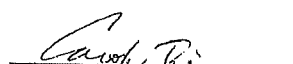
Any by-laws or parts of by-laws inconsistent with this by-law are hereby deemed repealed.

8. (h) Effective Date

This By-law comes into force and effect on the date of its passing.

READ and enacted in Open Council this 13th Day of October, 2009.

  
James R. Walden, Mayor

  
Carolyn Tripp, Deputy Clerk

