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THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 2025 (1998)

Being a by-law for prescribing standards for the maintenance and occupancy of all property within the Town of Pelham and prohibiting the use of any property that does not conform to the standards and requiring such properties to be repaired, maintained or cleared of buildings, structures, debris or refuse.

WHEREAS the Building Code Act, Sect. 15.1.(3), R.S.O. 1992, ch. 23, provides that a by-law may be passed by the council of a municipality which has an official plan in place that includes provisions relating to property conditions to prescribe standards for the maintenance and occupancy of property within the Town of Pelham, to prohibit the occupancy or use of property that does not conform with the standards and to require 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 there is such an Official Plan in effect in the Town of Pelham;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS

1.1 SHORT TITLE

1.1.1 This by-law shall be known as the "Property Standards By-Law"

1.2 DEFINITIONS: In this by-law:

1.2.1 "**Accessory**", when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, a building or a structure, located on the same lot therewith and which is not used or intended for use as a human habitation.

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- 1.2.2 "**Balustrade**" means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.
- 1.2.3 "**Basement**" means that portion of a building between two floor levels, with a minimum height of six feet four inches, which is partly underground, but which has at least one-half of its height from finished floor to finished ceiling above the average level of the adjoining ground.
- 1.2.4 "**Bathroom**" means a room containing at least a toilet, hand basin or lavatory and bathtub or shower, or two rooms which contain in total at least one toilet, hand basin or lavatory and one bathtub or shower.
- 1.2.5 "**Bedroom**" means a habitable room used for sleeping purposes.
- 1.2.6 "**Boarder**" shall mean a person who is provided with meals or room and meals, regularly for pay.
- 1.2.7 "**Boarding House**" shall mean a house where meals or lodging and meals are provided for pay.
- 1.2.8 "**Cellar**" means that portion of a building between two floor levels with a minimum height of 1.93 m (6'-4"), which is partially or completely underground and which has more than one-half of its height from floor to ceiling below finished grade.
- 1.2.9 "**Committee**" means the committee as defined by the Building Code Act, R.S.O. 1992, ch. 23.
- 1.2.10 "**Corporation**" means the Corporation of the Town of Pelham
- 1.2.11 "**Crawlspace**" means that portion of a building between two floor levels, or between a floor level and the ground, with a height of less than 1.93 m (6'-4")
- 1.2.12 "**Dwelling**" means a building or structure, any part of which is used or intended to be used for the purposes of human habitation and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair.

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- 1.2.13 "**Dwelling Unit**" means one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes.
- 1.2.14 "**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 as stated in the Ontario Building Code.
- 1.2.15 "**Habitable Room**" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes, with a minimum height of 1.93 m (6'-4") except as hereinafter expressly provided.
- 1.2.16 "**Lodging House**" or "**Rooming House**" shall mean any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged, or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.
- 1.2.17 "**Medical Officer of Health**" means the Medical Officer of Health for the Regional Municipality of Niagara.
- 1.2.18 "**Multiple Attached Dwelling**" means a building that is divided vertically into more than two dwelling units, each of which has an independent entrance and shall include terrace housing and row housing.
- 1.2.19 "**Multiple Dwelling**" means a building containing three or more dwelling units.
- 1.2.20 "**Non-habitable Room**" means any room in a dwelling or dwelling unit other than a habitable room and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, crawlspace, boiler room or other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between storeys.
- 1.2.21 "**Occupant**" means an occupant as defined by the Building Code Act, R.S.O. 1992, ch.23.
- 1.2.22 "**Officer**" means an officer as defined by the Building Code Act, R.S.O. 1992, ch.23.

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- 1.2.23 "**Owner**" means an owner as defined by the Building Code Act, R.S.O. 1992, ch.23.
- 1.2.24 "**Person**" means and includes an individual, firm and corporation.
- 1.2.25 "**Property**" means property as defined by the Building Code Act, R.S.O. 1992, ch.23.
- 1.2.26 "**Repair**" means repair as defined by the Building Code Act, R.S.O. 1992, ch.23.
- 1.2.27 "**Roomer**" or "**Lodger**" shall mean a person harboured, received or lodged in a lodging house in return for compensation.
- 1.2.28 "**Semi-detached Dwelling**" means a building vertically divided into two separate dwelling units, each of which has an independent entrance.
- 1.2.29 "**Toilet Room**" means a room containing a water closet or toilet.
- 1.2.30 "**Vehicle**" means a motor vehicle, trailer, boat, motorized snow vehicle and any mechanical equipment drawn, propelled or driven by any kind of power including muscular power.
- 1.2.31 "**Yard**" means land appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

1.3 INTERPRETATION

- 1.3.1 In this by-law, "**property**", as defined in Section 1.2.25, is further divided into the following classes:
- (a) "**non-residential property**" which means **property** other than residential **property** and vacant land;
 - (b) "**residential property**" which means **property** which is occupied or capable of being occupied in whole or in part for the purposes of human habitation; and
 - (c) "**vacant land**" which means **property** on which there are no buildings of any kind.
- 1.3.2 In this by-law, statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

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- 1.3.3 In this by-law, the word "section" may be applied to any numbered or lettered provision of this by-law and shall, as the context may require, mean and include:
- (a) an entire section including all its subsections;
 - (b) a particular subsection of a section; or
 - (c) a particular sub-clause or subdivision of a subsection.

- 1.3.4 This by-law shall be read with all changes of gender and number required by the context or circumstances.

1.4 APPLICATION

- 1.4.1 The **property standards** set forth in Section 2 of this by-law are hereby prescribed as minimum **standards** for the maintenance and occupancy of all **residential property** in the Town of Pelham.

- 1.4.2 The **property standards** set forth in Section 3 of this by-law are hereby prescribed as minimum **standards** for the maintenance and occupancy of all **non-residential property** in the Town of Pelham.

- 1.4.3 The **property standards** set forth in Section 4 of this by-law are hereby prescribed as the minimum **standards** for the maintenance of all **vacant land** in the Town of Pelham.

- 1.4.4 Every **owner** of **property** situated within the Town of Pelham shall maintain such **property** to the applicable minimum **standards** prescribed by this by-law.

- 1.4.5 Where, because of non-conformity to the applicable **standards**, or any of them, prescribed by this by-law, the occupancy or use of any **property** in the Town of Pelham is, in the opinion of the **officer**, hazardous to the **occupants** or the public, such occupancy or use is prohibited until the **property** is brought into conformity with the applicable **standards**.

- 1.4.6 Where any **property** within the Town of Pelham does not conform to the applicable **standards** set forth in this by-law, or any of them, the **owner** of such **property** shall:

- (a) **repair** and thereafter maintain such **property** to conform to such **standards**; or
- (b) where conformity to such **standards** cannot be effected by **repairs**, clear the site of all buildings, structures, debris and refuse, and leave such site in a graded and levelled condition.

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- 1.4.7 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code and is subject to the applicable permits.

SECTION 2:RESIDENTIAL PROPERTY STANDARDS

2.1 Pest Prevention

- 2.1.1 **Dwellings** shall be kept free of rodents, vermin and insects. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act and the Pesticides Act.
- 2.1.2 **Basement** or **cellar** windows used or required for ventilation, and every other opening in a **basement, cellar** or **crawlspace** which might permit the entry of rodents, vermin and insects, shall be screened with wire mesh or such other material as will effectively exclude the same.

2.2 Foundations

- 2.2.1 Foundation walls and **basement, cellar** and **crawlspace** floors of a **dwelling** shall be maintained in good **repair** and structurally sound condition, so as to prevent dangerous settlement or entrance of moisture, rodents, vermin and insects. Without restricting the generality of this section, maintenance shall include shoring of foundations, installing subsoil drains and footings, grouting masonry cracks and waterproofing of walls and floors.
- 2.2.2 **Basements** and **cellars** served by a stairway leading from within or from outside a **dwelling** shall have a concrete floor. When required for drainage, floor drains shall be located at the lowest point of the floor connected to the **sewerage system**.

2.3 Structural Soundness

- 2.3.1 Every part of a **dwelling** shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it normally may be subject.
- 2.3.2 Materials which have been damaged or show evidence of dry rot or deterioration shall be **repaired** or replaced in a workmanlike manner.

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2.4 **Maintenance**

2.4.1 Every floor, exterior wall, roof and porch of a **dwelling** shall be so maintained as to prevent collapse or injury to the **occupants** or to the public.

2.5 **Exterior Surfaces**

2.5.1 Exterior walls of a **dwelling** and their components shall be maintained to prevent their deterioration due to weather and insects, where necessary by painting, restoring and **repairing** walls, coping and flashing, waterproofing of joints and installation and **repair** of termite shields.

2.5.2 Exterior parts of a **dwelling** shall be kept free of objects or materials improperly secured. Such objects or material shall be removed, properly secured or replaced.

2.6 **Roofs**

2.6.1 Roofs of **dwelling**s shall be maintained in a watertight condition to prevent leakage of water into the **dwelling**, where necessary by the **repair** of roofs and flashing and application of waterproofed coatings or coverings.

2.6.2 Eavestrough and downspouts or equivalent roof drains shall be installed. The roof drainage shall be discharged into a storm drainage system when permitted or, the roof drainage shall be discharged onto the ground away from the building onto the lands, and providing that it does not adversely affect adjacent **properties**.

2.7 **Dampness**

2.7.1 Floors, ceilings and walls of every **dwelling** shall be kept free of moisture, dampness and fungus growths.

2.8 **Weatherproofing**

2.8.1 Windows, exterior doors and **basement** or **cellar** hatchways shall be maintained in good **repair** so as to prevent the entrance of wind and rain into the **dwelling**. Rotted or damaged doors, door frames, window frames, sashes and casings shall be renewed. Missing or defective door and window hardware, weatherstripping and broken window glass shall be replaced.

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2.9 Inside and Outside Stairs

2.9.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good **repair** so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be **repaired** or replaced.

2.9.2 Every stairwell or open stairway with **three** or more risers leading to a higher storey or to a **basement** and every porch, balcony, landing, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location more than twenty-four inches above an adjacent surface, shall be equipped with hand rails or **balustrades**, maintained in good **repair** so as to provide adequate protection against accident or injury.

2.10 Walls and Ceilings

2.10.1 Every wall and ceiling in a **dwelling unit** shall be maintained so as to be easily cleaned and shall be maintained in good **repair** with respect to fire safety, that is, free of holes, cracks, loose covering or other defects which would permit flame, excessive heat or water to enter a concealed space.

2.10.2 Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surface of walls and ceilings and interior trim shall be of material that will not, in burning, give off excessive amounts of smoke or objectionable gases injurious to health.

2.10.3 Walls around a bathtub or shower shall be so maintained as to be water resistant and readily cleaned.

2.11 Doors

2.11.1 Existing doors and frames shall be maintained in a sound operating condition.

2.11.2 At least one entrance door in every **dwelling unit** shall be capable of being locked from both inside and outside but readily openable from the inside without the use of keys.

2.11.3 New doors shall comply with the requirements of the Ontario Building Code.

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2.12 **Floors**

2.12.1 **Crawlspaces** shall have a floor or ground cover in compliance with the Ontario Building Code.

2.12.2 Every floor in a **dwelling** shall be smooth and level and shall be maintained in good **repair**, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or surfaces that might admit rodents. All defective floor boards shall be **repaired** or replaced.

2.12.3 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt, or may cause accident, the linoleum or other covering shall be **repaired**, replaced or removed.

2.12.4 The floor of every **bathroom** shower and **toilet room** shall be so maintained as to be water resistant and readily cleaned.

2.13 **General Cleanliness**

2.13.1 Every floor, wall, ceiling, furnishing and fixture in a **dwelling** shall be maintained in a sanitary condition, and the **dwelling** shall be kept free from rubbish and debris.

2.14 **Storage Space**

2.14.1 Every **dwelling unit** shall be provided with space for the storage of linen and clothes. This may include free standing wardrobes and/or satisfactory hook racks.

2.14.2 Every **dwelling unit** shall be provided with space for general storage. In a **multiple dwelling** such space may be in a communal general storage area.

2.15 **Access to Enclosed Space**

2.15.1 An access opening of at least 550 mm (22") by 700 mm (2'-4") shall be provided to every **crawlspace** or other enclosed space, and to every attic and roof space exceeding 600 mm (2'-0") in height.

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2.16 **Water**

2.16.1 Every **dwelling unit** shall be provided with an adequate supply of potable running water from a source approved by the **Medical Officer of Health**.

2.16.2 Every sink, wash basin, bathtub or shower, required by this by-law shall have an adequate supply of hot and cold running water.

2.16.3 Every water heater installed for the purpose of supplying hot running water to the **occupants** of a **dwelling unit** shall be capable of heating water to a temperature of 49 degrees Celsius (120 degrees Fahrenheit).

2.17 **Sewerage System**

2.17.1 Every plumbing fixture in every **dwelling** shall discharge the water, liquids or sewage into drainage piping which shall be connected to a sewerage system.

2.18 **Plumbing**

2.18.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every **dwelling** and every connecting line to the sewerage system shall be maintained in good **repair**, free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

2.18.2 All plumbing, plumbing fixtures and piping shall conform to the **Ontario Building Code**.

2.19 **Toilet, Kitchen and Bathroom Facilities**

2.19.1 Every **dwelling unit** (except as otherwise provided in sections 2.19.2 and 2.19.3) shall contain plumbing fixtures consisting of at least one of each of the following:

- (a) a toilet or water closet;
- (b) a kitchen sink;
- (c) a bathtub or shower and;
- (d) hand basin.

2.19.2 The **occupants** of not more than two legal non-conforming **dwelling units**, as defined in the applicable area zoning by-law, may share a single **bathroom** provided:

- (a) a total of not more than ten persons occupy the **dwelling units**,

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and;

- (b) access to the **bathroom** can be gained without passing through;
 - (i) a **habitable room** of another **dwelling unit**, or
 - (ii) an open area which is not normally heated during the season in which heat is required.

2.19.3 Where a **dwelling unit** contains rooms intended to be used in conjunction with a **rooming** or **lodging house**, the **occupants** may share a single **bathroom** provided that:

- (a) a total of not more than ten persons occupy the **dwelling units**, and
- (b) for each additional ten persons or part thereof, there shall be an additional toilet and bathtub or shower, and
- (c) access to the **bathroom** can be gained without passing through
 - (i) a **habitable room** of another **dwelling unit**, or
 - (ii) an open area which is not normally heated during the season in which heat is required.

2.19.4 All **bathrooms** and **toilet rooms** shall be located within and accessible from within the **dwelling**.

2.19.5 All **bathrooms** and **toilet rooms** shall be fully enclosed so as to provide privacy for the **occupant**.

2.19.6 No toilet or urinal shall be located within a room that is used for:

- (a) the preparation, cooking, storing or consumption of food, or;
- (b) sleeping purposes.

2.20 Kitchen Facilities

2.20.1 A cooking space with an adequate and approved heat supply shall be provided for each **dwelling unit**.

2.20.2 There shall be a clear space above any exposed cooking surface of a cooking apparatus at least 600 mm (2'-0") high. The cooking apparatus shall conform to the appropriate provincial regulations governing the type of fuel being used.

2.21 Heating System

2.21.1 Every **dwelling** shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions, of 21 degrees C. (70 degrees F.) in all **habitable rooms**, **bathrooms** and **toilet**

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rooms, (unless otherwise permitted by the **Medical Officer of Health**), between the 15th day of September in each year and the 31st day of May of the following year.

2.21.2 The heating system required by Section 2.21.1 shall be maintained in good working condition so as to be capable of heating the **dwelling** safely to the required standard.

2.21.3 No room heater shall be placed:
(a) so as to constitute a fire hazard to walls, curtains or furniture;
(b) so as to impede free movement of persons in the room; or;
(c) in such location that nearby combustible materials or structural members exceed a safe temperature.

2.21.4 All heating and cooking apparatus or equipment involving combustion shall be properly connected, by rigid and permanently sealed connections:
(a) to a chimney or flue which provides sufficient outlet for the escape of all noxious gases; and
(b) to the supply line.

2.21.5 Solid fuel-fired barbecues shall not be used within a **multiple dwelling**, nor on the balconies thereof.

2.22 Furnace Room - Air Supply and Fuel Storage

2.22.1 In **multiple dwellings** with a common central heating system, such system shall be located in a separate room, having floors, walls, ceiling and doors with a **fire resistance rating** of not less than one hour. The room shall not be used for the storage of fuels or any other material and shall be kept clear of all debris and rubbish.

2.22.1.1 Notwithstanding Section 2.22.1, where any part of a **basement** or **cellar** of a **multiple dwelling** is used as a **habitable room**, such **habitable room** shall be separated:
(a) from a common central heating system and water heating system by a fire separation having a **fire resistance rating** of at least one hour; and
(b) from an incinerator by a fire separation having a **fire resistance rating** of at least two hours.

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2.22.2 A space that contains a heating unit shall have natural or mechanical means of supplying air by ventilation duct from out of doors in such quantities as to provide adequate combustion.

2.22.3 Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

2.22.4 Fire dampers, where required, shall be installed and maintained in compliance with the **Ontario Building Code**.

2.23 Chimneys

2.23.1 Any mechanism or structure 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 subject to Section 2.21.4.

2.23.2 Every chimney, smoke pipe, flue and gas vent actually in use or available for use on a **dwelling**, shall be maintained so as to prevent the escape of gases into the **dwelling**. Without limiting the generality of the foregoing, maintenance shall include keeping all open joints sealed, and repairing all broken and loose masonry. Every chimney, smoke pipe, flue and gas vent on a **dwelling** shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom, or in contact therewith, does not exceed a safe temperature.

2.23.3 Every chimney, smoke pipe, flue and gas vent actually in use or available for use shall be kept clear of obstruction.

2.24 Fireplaces

2.24.1 Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues and gas vents, and shall be installed so that nearby adjacent combustible material and structural members shall not be heated beyond a safe temperature.

2.25 Electrical Service Installation

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- 2.25.1 Electrical wiring conduit and electrical services in every **dwelling** shall be in compliance with and maintained according to the regulations made by Ontario Hydro pursuant to the Power Commission Act, and lighting equipment shall be installed throughout the **dwelling** so as to provide adequate illumination for intended use of each space.
- 2.25.2 Fuses or overload devices shall not exceed limits set by Ontario Hydro.
- 2.25.3 In every **dwelling**, an adequate and safe illuminating device shall be installed in every **bathroom, toilet room**, laundry room, furnace room and kitchen.
- 2.25.4 All common halls and stairs in **multiple dwellings** shall be continuously lighted by a minimum of ten foot candles of light.

2.26 **Ventilation**

- 2.26.1 Every **habitable room** other than a living room or a dining room, shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area conforming to the Ontario Building Code, and shall be located in the exterior walls or through skylight openings of roof ventilators. Openings shall be adequately screened to prevent the entry of insects.
- 2.26.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes air once each hour.
- 2.26.3 Every **bathroom** or room containing a toilet or urinal shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylight openings. All such openings shall have a minimum aggregate, unobstructed free flow conforming to the Ontario Building Code. Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- 2.26.4 An opening for natural ventilation may be omitted from a **bathroom** or room containing a toilet or urinal, where a system of mechanical ventilation has been provided such as an exhaust fan with a duct leading to outside the building.
- 2.26.5 All systems of mechanical ventilation shall be maintained in good **repair**.
- 2.26.6 Every **basement, cellar** or **crawlspace** shall be vented to the outside air by means of screen windows which can be opened, or by louvres with

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screen openings, the area of which shall not be less than 900 cm² (1 sq. ft.) for every 46 m² (500 sq. ft.) of enclosed area.

2.26.7 Every insulated enclosed attic or roof space shall be vented by openings to the exterior in conformance with the Ontario Building Code. Vents may be of roof, eave or gable end type or any combination thereof.

2.27 Maintenance of Yards

2.27.1 In this section "unsightly object" shall mean and include any of the following: used lumber, used building materials, rubble, trash, brush, discarded furniture, disused household equipment and appliances, ashes, waste paper and inoperative or derelict motor vehicles, trucks and trailers; disused machinery, machinery parts and automotive parts and any other rubbish, debris, object or condition which might constitute a health or accident hazard.

2.27.1.1 In Sections 2.27.1 and 2.27.2 the words "inoperative or derelict motor vehicles" mean and include any motor vehicle other than a motor vehicle which is currently licensed and operable and regularly driven by an **owner** or **occupant** of the **property** on which it is stored.

2.27.2 Notwithstanding Section 2.27.1, used lumber, used building materials, inoperative or derelict motor vehicles, trucks and trailers; disused machinery, machinery parts and automotive parts shall be deemed not to be unsightly objects if:

- (a) kept or stored on a farm;
- (b) used for replacement parts in the farm operations; and
- (c) where located within 153 m (500') from any neighbouring residential **dwelling**, are adequately screened by fencing or landscaping from such dwelling.

2.27.3 No unsightly object shall be stored or maintained outside in any front, side or rear yard.

2.27.4 All yards shall be kept free from excessive growth of weeds and grasses. Noxious weeds, as defined under the Weed Control Act, shall be eliminated from all yards.

2.28 Drainage

2.28.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a

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basement or cellar.

2.28.2 Sewage shall be discharged into the sewerage system as provided in Section 2.17.1. 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.

2.29 Walks

2.29.1 A hard surfaced walk shall be provided from every **dwelling unit** to the street, or to a hard surfaced driveway that connects to the street.

2.29.2 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

2.30 Fences and Accessory Buildings

2.30.1 **Accessory** buildings and all fences shall be kept in good **repair** and free from health or accident hazards and shall be protected by paint, preservative or other weather resistant material.

2.30.2 Where an **accessory** building or a yard is found to harbour noxious insects or rodents, all necessary steps shall be taken to eliminate such insects or rodents, and to prevent their recurrence.

2.30.3 Every **accessory** building or fence not maintained in accordance with these standards, shall be **repaired** or removed.

2.31 Garbage Disposal

2.31.1 Every **dwelling** and every **dwelling unit** within the **dwelling** shall be provided with sufficient receptacles for all garbage, rubbish and ashes.

2.31.2 All household garbage and other refuse shall be stored in a sanitary manner in plastic bags or other containers and made available for removal and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a health or accident hazard.

2.31.3 Outside receptacles shall be:
(a) made of water-tight construction;
(b) provided with a cover adequate to prevent the escape of garbage, refuse and debris; and

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- (c) maintained in a clean state.

2.32 Occupancy Standards

- 2.32.1 The maximum number of **occupants** in a **dwelling unit** shall not exceed one person per 10 m² (107 sq. ft.) of **habitable room** floor area.
- 2.32.2 For the purpose of computing **habitable room** floor area, the floor area under a ceiling which is less than 1.93 m (6'-4") high shall not be counted unless there is a sloping ceiling, in which case the **habitable room** floor area shall be calculated in accordance with the **Ontario Building Code**.
- 2.32.3 A hallway shall not be used as a **bedroom**, nor counted as a **habitable room**.
- 2.32.4 Every room in a **dwelling** used as a **bedroom** shall have:
 - (a) a minimum width of 2 m (6'-6");
 - (b) a minimum floor area shall be calculated in accordance with Section 2.32.2 and shall conform to the Ontario Building Code; and
 - (c) a ceiling height of 1.93 m (6'-4") over at least one-half the required minimum floor area.
- 2.32.5 A **non-habitable room** shall not be used as a **habitable room**.
- 2.32.6 In **multiple dwellings**, each **habitable room** shall be separated from the common central heating system, water heating system and incinerator by a fire separation having a **fire resistance rating** of at least one hour, subject to Section 2.22.1.1.

2.33 Protective Guards in Multiple Dwellings exceeding Three Storeys in Building Height

- 2.33.1 Guards providing adequate protection against accident or injury shall be provided and maintained in good **repair** for all unprotected openings and open spaces in **multiple dwellings** exceeding three storeys in building height in the following locations:
 - (1) Around every roof to which access is provided for other than maintenance;
 - (2) Around every raised floor, mezzanine, balcony, gallery, bridge, exterior passageway or other location when the difference in elevation between floor levels or between floor and ground levels is greater than 600 mm (24");

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- (3) Around every open side of a landing in a public stairway;
- (4) Across every window or glass panel in an exit stairway, public hallway or corridor or any area accessible to the public that extends to less than 1070 mm (42") above the stairs, landing or floor; and
- (5) Across any window located more than 1.83 m (6'-0") above the ground level and that extends within 760 mm (30") of the floor unless such window has fixed glazing.

2.33.2 In lieu of the protective guard specified in Section 2.33.1, opening windows within a **dwelling unit** may be equipped with latching or automatic engaging devices to control the window openings and screens, provided that such windows and devices are manufactured to the appropriate specifications set forth in the **Ontario Building Code**.

SECTION 3:NON-RESIDENTIAL PROPERTY STANDARDS

3.1 Maintenance of Yards

- 3.1.1 All **yards** shall be kept clean and free from rubbish or other debris, and from objects or conditions that might create a health or accident hazard.
- 3.1.2 All **yards** shall be kept free from excessive growth of weeds and grasses. Noxious weeds as defined under the Weed Control Act shall be eliminated from all **yards**.
- 3.1.3 No **vehicle** which is in a wrecked, discarded, dismantled or inoperative condition, and no mechanical equipment, automotive and mechanical parts shall be parked, stored or left in the **yard** unless such **vehicles**, mechanical equipment, automotive and mechanical parts are required for business purposes as part of a business lawfully carried on.
- 3.1.4 Steps, walks, driveways, parking spaces and similar areas of the **yard** shall have a stable, dust-free surface and shall be maintained so as to afford safe passage under normal use and weather conditions.
- 3.1.5 Lawns, hedges and bushes shall:
 - (a) be kept trimmed, and;
 - (b) not be overgrown or unsightly.
- 3.1.6 **Yards** shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.

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3.2 Sewage and Drainage

- 3.2.1 Sewage or organic waste shall be discharged into a sewerage system.
- 3.2.2 Rain water from a roof having an area of 46 m² (500 sq. ft.) or more shall be conveyed to a storm sewer or, if such storm sewer is not available, shall be disposed of in such manner as not to create a nuisance.
- 3.2.3 Storm water shall be drained from a **yard** so as to prevent recurrent ponding or the entrance of water into a **basement** or **cellar**.
- 3.2.4 Roof drainage or surface water shall:
- (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a **basement** or **cellar**, and;
 - (b) not be channelled to discharge on sidewalks, stairs, or neighbouring **property**.
- 3.2.5 Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.

3.3 Accessory Buildings

- 3.3.1 An **accessory** building shall be kept:
- (a) in good **repair**;
 - (b) free from health and accident hazards, and;
 - (c) protected by paint, preservative or other weather- resistant material.

3.4 Fences

- 3.4.1 A fence or retaining wall shall be:
- (a) installed around the parking area of drive-in eating establishments except at the private approaches, and;
 - (b) constructed in such a manner as to prevent cartons, wrappers, paper, rubbish and debris from blowing onto adjoining **property**.
- 3.4.2 All fences around or on **non-residential property** shall be:
- (a) kept in good **repair**;
 - (b) free from accident hazards; and
 - (c) protected by paint, preservative or other weather-resistant material.

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3.5 **Signs**

3.5.1 All signs and billboards shall be maintained in good **repair**. Any signs which are excessively weathered or faded, and those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of **repair**.

3.6 **Garbage Disposal**

3.6.1 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste.

3.6.2 Receptacles shall be acceptable plastic bags or other containers that are:
(a) made of water-tight construction;
(b) provided with a tight-fitting cover; and
(c) maintained in a clean state.

3.6.3 Plastic bags shall not be stored outdoors unless protected from damage.

3.6.4 Every building shall be provided with rodent-proof storage space for garbage and trade waste.

3.6.5 Containers shall be made available for the disposal of refuse which may be discarded by customers and **yards** shall be kept free of such refuse.

3.7 **Pest Prevention**

3.7.1 **Property** shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act.

3.7.2 A **basement** or **cellar** window used or required for ventilation and any other opening in a **basement** or **cellar**, including a floor drain that may permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material as will effectively exclude rodents.

3.8 **Basement Floors**

3.8.1 Any **basement**, **cellar** or **crawlspace** not served by a stairway leading from the building or from outside the building may have a dirt floor provided it is covered with a moisture-proof covering.

3.8.2 **Basements** and **cellars** which are served by a stairway leading from the

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building or from outside the building shall have a concrete floor and, where required, with a floor drain located at the lowest point of said floor and connected to a sewerage system.

3.8.3 A concrete floor in a **basement** or **cellar** shall be free from major cracks, breaks or other hazardous conditions.

3.9 Foundations

3.9.1 Foundation walls shall be maintained in good **repair** and structurally sound and when required shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing.

3.9.2 Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.

3.9.3 All footings, foundation walls, piers, and slabs-on-grade shall be of masonry or other suitable material.

3.9.4 Subsections 3.9.2 and 3.9.3 do not apply to **accessory** buildings.

3.10 Structural Soundness

3.10.1 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 load to which it may be subject.

3.10.2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be **repaired** or replaced.

3.11 Exterior Surfaces

3.11.1 All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

3.11.2 Exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:

- (a) painting, restoring or **repairing** of walls, coping or flashing, and;
- (b) waterproofing of joints and of the walls themselves.

3.11.3 All canopies, marquees, signs, awnings, stairways, fire escapes, stand

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pipes, exhaust ducts and similar overhead extensions shall be:

- (a) maintained in good **repair**;
- (b) properly anchored, and;
- (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

3.11.4 All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

3.11.5 All air conditioners shall be maintained in a safe mechanical and electrical condition.

3.12 Roofs

3.12.1 Roofs, cornices and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building.

3.13 Dampness

3.13.1 Interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a **cellar, basement** or **crawlspace** floor.

3.14 Doors and Windows

3.14.1 All exterior openings for doors and windows shall be fitted with doors or windows.

3.14.2 Windows, exterior doors and **basement** or **cellar** hatchways shall be maintained in good **repair** so as to prevent the entrance of wind or rain into the building.

3.14.3 Doors, door frames, window frames, sashes, casings and weatherstripping that have been damaged or show evidence of rot or other deterioration shall be painted, **repaired** or replaced.

3.14.4 Broken glass and missing or defective door and window hardware shall be **repaired** or replaced.

3.14.5 All windows intended to be opened and all exterior doors shall have hardware capable of being locked or otherwise secured from inside the

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building, but readily openable from inside without the use of keys.

3.15 Stairs, Porches and Balconies

3.15.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good **repair** so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be **repaired** or replaced.

3.16 Balustrades and Handrails

3.16.1 Every stairwell or open stairway with three or more risers leading to a higher storey or to a **basement**, and every porch, balcony, landing, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location more than 600 mm (24") above an adjacent surface, shall be equipped with hand rails or **balustrades**, maintained in good **repair** so as to provide adequate protection against accident or injury.

3.17 Walls and Ceilings

3.17.1 Every wall and ceiling shall be:

- (a) maintained so as to be easily cleaned, and
- (b) free of holes, cracks, loose coverings or other defects.

3.17.2 Where occupancies are separated vertically, the dividing walls shall be as required by the Ontario Building Code.

3.17.3 Where **residential** and **non-residential occupancies** are separated horizontally, there shall be a finished ceiling separating these occupancies, which shall be as required by the Ontario Building Code.

3.18 Floors

3.18.1 Every floor shall be smooth and level and maintained in good repair free of all loose, warped, protruding, broken or rotted boards that may cause an accident or allow dirt to accumulate.

3.18.2 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, such other covering shall be **repaired**, replaced or removed.

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3.18.3 Every **toilet room** shall have a floor of water repellent construction.

3.19 Cleanliness

3.19.1 Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.

3.19.2 The building shall be kept free from rubbish, debris or any condition which constitutes a health or accident hazard.

3.20 Egress

3.20.1 There shall be provided two means of egress from every floor area, where in the opinion of an officer, the existing exits are inadequate for the safety of every person in the building.

3.20.2 All means of egress shall be:

- (a) maintained in good **repair**, and;
- (b) free of objects or conditions which constitute an accident or other hazard.

3.21 Heating System

3.21.1 Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in every such space or room to maintain a temperature of not less than 21 degrees Celsius (70 degrees Fahrenheit) during normal working hours.

3.21.2 The heating system required by subsection 3.21.1 shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.

3.21.3 Auxiliary heaters shall not be used as a primary source of heat.

3.21.4 A room heater shall not be placed so as to:

- (a) cause a fire hazard to walls or any other equipment; or
- (b) impede the free movement of persons within the room where the heater is located.

3.21.5 Where any heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be:

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- (a) provided an maintained in a convenient location, and;
- (b) properly constructed so as to be free from fire or accident hazards.

3.21.6 An adequate supply of fuel shall be available at all times.

3.21.7 All equipment which burns fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.

3.21.8 Where combustible materials are stored in a **basement**, the fuel-burning heating system shall be enclosed.

3.21.9 Every chimney, smoke pipe, flue and vent shall be maintained so as to:
(a) prevent gases from leaking into the building or **property**; and
(b) be free of any defects.

3.21.10 A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a **fire resistance rating** of not less than one hour.

3.21.11 Subsection 3.21.10 does not apply where:
(a) there is a fire separation between the **dwelling unit** and the **non-residential property** having a **fire resistance rating** of one hour, or;
(b) the **dwelling unit** and **non-residential property** are **occupied** by the same tenant.

3.21.12 Where, in the opinion of the **Officer**, there exists a hazardous condition due to storage in or use of space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of subsection 3.21.10 hereof.

3.21.13 The enclosure referred to in subsection 3.21.10 and 3.21.12 shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

3.22 Plumbing

3.22.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system, shall be maintained in good working order and free from leaks and defects.

3.22.2 All water pipes and appurtenances thereto shall be protected from freezing.

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3.22.3 All waste pipes shall be connected to the sewerage system.

3.23 Toilet Room Facilities

3.23.1 Buildings where people work shall have a minimum of one water closet and one wash basin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building.

3.23.2 All **toilet rooms** shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.

3.23.3 All toilet facilities and **toilet rooms** shall be kept clean and neat at all times.

3.23.4 **Toilet room** walls and ceilings shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.

3.23.5 Every **toilet room** shall be provided with toilet paper, soap and individual towels or other means of drying.

3.23.6 Every **toilet room** shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 900 cm² (1 sq. ft.)

3.23.7 An opening for natural ventilation may be omitted from a **toilet room** where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.

3.23.8 Where mechanical ventilation is used, the provisions of Section 3.26.3 apply.

3.24 Electrical Service

3.24.1 Fuses or overload devices shall not exceed limits set by Ontario Hydro.

3.24.2 Where, in the opinion of the **Officer**, a hazardous electrical condition exists, extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.

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3.24.3 Electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of Ontario Hydro.

3.25 Light

3.25.1 Sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways whenever the building is in use, and in all stairways provided for use in case of fire or other emergency.

3.26 Ventilation

3.26.1 Every room where people work shall have an opening or openings for natural ventilation, all of which openings shall:

- (a) have a minimum aggregate unobstructed free flow area of 0.28 m² (3 sq. ft.), and
- (b) be located in the exterior walls or through openable parts of skylights.

3.26.2 An opening for ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

3.26.3 Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than 1.82 m (6') from a window located in an adjoining building.

3.27 Basement, Cellar or Unheated Crawlspace

3.27.1 Every **basement, cellar** or unheated **crawlspace** shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one percent of the floor area for **basements** and **cellars**, and 900 cm² (1 sq. ft.) per 46 m² (500 sq. ft.) of **crawlspace** area.

3.27.2 An opening for natural ventilation may be omitted from a **basement, cellar** or unheated **crawlspace** where a system of mechanical ventilation has been provided which changes the air once each hour.

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SECTION 4: STANDARDS FOR VACANT LAND

4.1 Vacant Land

- 4.1.1 **Vacant land** shall be kept clean and free from rubbish or other debris, and objects or conditions that may create a health or accident hazard.
- 4.1.2 **Vacant land** subject to recurrent ponding of storm water shall be properly drained where such ponding constitutes or may constitute an environmental or health hazard.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

5.1 Inspections

- 5.1.1 The **officer** shall inspect a **property**:
- (a) upon formal request by the **owner** or an **occupant**;
 - (b) when so directed by resolution of Council;
 - (c) following a formal complaint given to the **officer**;
 - (d) when non-compliance with the **standards** prescribed by this by-law is evident to the **officer** from casual observation.
- 5.1.2 Where a complaint is given to the **officer** pursuant to Sect. 5.2.1 (c):
- (a) the **officer** may, if he deems the particulars of the complaint to be insufficient evidence of non-compliance with this by-law, refuse to make the requested inspection and shall so notify the complainant;
 - (b) In no case shall the name of the complainant be divulged to the public, except as may be required in a judicial proceeding.

5.2 Fees

- 5.2.1 The fee payable for a Certificate of Compliance issued at the request, in writing, of the owner pursuant to Section 15.5 of the Building Code Act, R.S.O. 1992, ch.23 shall be as set out in Schedule "A" to this by-law.
- 5.2.2 The fee payable by the owner for the Corporation to discharge an order registered in the land registry office pursuant to Section 15.2(4) of the Building Code Act, R.S.O. 1992, ch.23 shall be as set out in Schedule "A" to this by-law.
- 5.2.3 The fee payable by the owner to file a Notice of Appeal of an Order with the Committee pursuant to Section 15.3(1) of the Building Code Act, R.S.O. 1992, ch.23 shall be as set out in Schedule "A" to this by-law.

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5.3 Prohibition of Occupancy in Order to Comply

5.3.1 Where use or **occupancy** of any **property** is hazardous as set forth in Section 1.4.5, the order issued pursuant to Section 15.2(2) of the Building Code Act, R.S.O. 1992, ch.23, shall contain the following additional statement:

NOTE: Use or **occupancy** of this **property** is prohibited until this order has been complied with.

5.4 Extensions of Time

5.4.1 The **officer** may grant extensions of time for compliance with any **order** issued pursuant to Section 15.2(3) of the Building Code Act, R.S.O. 1992, ch.23 beyond the time limited in such **order** in any case where:

- (a) valid reasons exist in **the Officer's** opinion for the extension; and
- (b) apart from such reasons, **the Officer** is satisfied that the **order** will be complied with.

5.5 Property Standards Committee

5.5.1 A **property standards committee** is hereby established, to be known as the **Property Standards Committee** for the Town of Pelham.

5.5.2 ~~The **Committee** shall be composed of three members, to be appointed by the Council of the **Corporation**.~~

The Committee shall be composed of five members, to be appointed by the Council of the Corporation, as per Schedule "B" attached hereto and forming part of this by-law. *(As amended by By-law No. 2238 (2000))*

5.5.3 Members of the **Committee** shall hold office during the term of office of the Council appointing them, and shall be eligible for re-appointment.

5.5.4 ~~Members of the **Committee** shall be paid such compensation as the Council may provide by resolution from time to time.~~

Members of the Committee shall be paid such compensation as per Schedule "C" attached hereto and forming part of this by-law. *(As amended by By-law No. 2238 (2000))*

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- 5.5.5 That the operation of the Property Standards Committee shall be conducted in accordance with all applicable regulations and requirements.
(As amended by By-law No. 2238 (2000))

SECTION 6: PENALTIES

- 6.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

SECTION 7: BY-LAWS REPEALED

- 7.1 By-law No. 1528 (1992) is hereby repealed.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED BY COUNCIL
THIS 17th DAY OF AUGUST, 1998

MAYOR

CLERK

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SCHEDULE "A"
TO PROPERTY STANDARDS BY-LAW 2025 (1998)

<u>ITEM</u>	<u>FEE</u>
1. Certificate of Compliance	\$100.00
2. Discharge an Order registered in the Land Registry Office (includes original registration of Order)	\$325.00
3. File a Notice of Appeal	\$500.00 <i>(as amended by By-law No. 3089 (2010))</i>

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(As amended by By-law No. 2238 (2000))

**SCHEDULE "B"
PERSONS APPOINTED TO THE
PROPERTY STANDARDS COMMITTEE
FOR THE TOWN OF PELHAM**

The following persons are appointed to serve on the Property Standards Committee for the Town of Pelham for a term ending November 30, 2003, or until their successors are appointed:

Gerald MacDonald
Brian DiMartile
Mel Dove
John Durley
Teresa Ross

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(As amended by By-law No. 2238 (2000))

SCHEDULE "C"
REMUNERATION PAID TO MEMBERS OF THE
PROPERTY STANDARDS COMMITTEE

1. The members of the Property Standards Committee for the Town of Pelham shall be paid compensation as follows:

Chair	\$55 per meeting
Acting Chair	\$55 per meeting
Member	\$50 per meeting

2. Mileage shall be paid to each member of the Property Standards Committee as determined annually.