

The Corporation of the Township of Wellesley

By-law No. 35/2007

Being a By-law to prescribe standards for the maintenance and occupancy of property within the Township of Wellesley and prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards, or the lands thereof to be cleared of all buildings and structures debris or refuse and left in a graded and level condition.

WHEREAS the Council of The Corporation of the Township of Wellesley deems it desirable to pass a By-law pursuant to the powers conferred on Councils under the provisions of Section 15.1(3) of the *Building Code Act* R.S.O. 1992, c23, and amendments thereto;

WHEREAS Section 15.6(1) of the *Building Code Act* R.S.O. 1992, c23 requires that a By-law passed under Section 15.1(3) of the *Building Code Act* R.S.O. 1992, c23 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS there is in effect in the Township of Wellesley an Official Plan which includes provisions relating to conditions of maintenance and occupancy of property;

AND WHEREAS it is deemed desirable to enact this By-law to extend the useful life of individual properties, to enhance the quality of communities and/or neighborhoods, and to protect the safety, health, and well being of the public and to ensure the continued enjoyment of property for residents and property owners of the Municipality;

NOW THEREFORE, the Council of the Corporation of the Township of Wellesley enacts as follows:

1.1 TITLE OF BY-LAW

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

1.2 APPLICATION

The provisions of the By-law shall apply to all property in the Township of Wellesley

SECTION 2 – DEFINITIONS

- 2.1 ACCESSORY BUILDING means a building or structure, which is subordinate to the main use of the lot and which is not used or intended for use for human habitation.
- 2.2 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 any other authority designated by law to give approval to the matter in question.
- 2.3 BALUSTRADE means a row of balusters or spindles surmounted by a railing.
- 2.4 BASEMENT shall mean 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 adjacent finished ground surface or grade. No part of the basement floor area shall be used in calculating any minimum floor area as required in this By-law, except as specifically permitted under the definition of “Floor Area”.
- 2.5 BATHROOM means a room containing a bathtub or shower with or without a water closet and basin.
- 2.6 BUILDING means any structure whether temporary or permanent, used or intended for the shelter, accommodation, or enclosure of humans, animals, or chattels but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.
- 2.7 BUILDING CODE means the *Building Code Act*, R.S.O. 1992, c23.
- 2.8 BUILDING FLOOR AREA means the space of any storey of a building between exterior walls and required fire walls, including the space occupied by interior walls and partitions but not including exits and vertical service spaces that pierce the storey.
- 2.9 CELLAR shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below adjacent finished ground surface or grade, and is not permitted to be used for any type of human habitation.
- 2.10 CHIEF OFFICIAL means Chief Building Official appointed in accordance with the provisions of the *Building Code Act* and having jurisdiction for the enforcement thereof.

- 2.11 COMMITTEE means A Property Standards Committee, established pursuant to Section 15.6(1) of the *Building Code Act*, R.S.O. 1992, c23 and this By-law.
- 2.12 CRAWL SPACE means a space beneath a floor with clearance of less than that required for basement or cellars.
- 2.13 DWELLING shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions, group homes, crisis housing or living quarters for a caretaker, watchman, or other person or persons using living quarters which are accessory to a non-residential building or structure.
- 2.14 DWELLING UNIT shall mean one or more habitable rooms occupied or capable of being occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.15 FAMILY means
- 2.15.1 an individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit; or
- 2.15.2 a group of not more than five (5) persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- 2.16 FENCE means any structure (including a gate or door), except a structural part of a building, used to wholly or partially screen from view, enclose or divide a yard or other land, or mark or substantially mark the boundary between adjoining land and in accordance with Township Fence By-law.
- 2.17 FINISHED GRADE LEVEL shall mean, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, and when used with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment, and when used with reference to a road means the elevation of the road established by the authority having jurisdiction.
- 2.18 FIRE RESISTANCE RATING means time in hours or parts thereof that a material construction or assembly will withstand fire exposure.
- 2.19 GROUND COVER means organic or non-organic materials applied to prevent the erosion of the soil, such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

- 2.20 **GOOD REPAIR** means that a building, structure or appurtenances thereto, including mechanical equipment, shall be maintained in such condition so as to be free from accident or fire hazard, structurally sound, and in good working order.
- 2.21 **HABITABLE ROOM** means any room in a dwelling unit used or capable of being used for living, sleeping, cooking, or eating purposes, but does not include a bathroom, toilet room, laundry room, pantry, foyer, lobby, stairwell, hall, or other space for the service or maintenance of a dwelling.
- 2.22 **LAND** means the land around or appurtenant to the whole or any part of a premises and used or intended to be used, or capable of being used in connection with the building.
- 2.23 **MEDICAL OFFICER OF HEALTH** means the Medical Officer of Health for the Regional Municipality of Waterloo.
- 2.24 **MULTIPLE DWELLING** means a building containing three or more dwelling units.
- 2.25 **MULTIPLE USE BUILDING** means a building containing both a dwelling unit and a non-residential use.
- 2.26 **MUNICIPALITY** means the Corporation of the Township of Wellesley.
- 2.27 **NON-HABITABLE ROOM** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry room, pantry, connecting corridor, stairway, closet, cellar, boiler room or other space for service and maintenance of the dwelling, for public use, and for access to and vertical travel between storeys.
- 2.28 **NON-RESIDENTIAL PROPERTY** means a building or structure or part of a building or structure not occupied or not capable of being occupied in whole or in part for the purpose of human habitation and includes those lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- 2.29 **NOXIOUS** means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odor, dust, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Committee to be noxious or offensive.
- 2.30 **OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

- 2.31 OCCUPANT means any person or persons over the age of eighteen years in possession of the property.
- 2.32 OFFICER means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing this By-law.
- 2.33 OUTDOOR STORAGE means the land used for the purpose of storing builders' supplies or materials salvaged from any demolition of a building either for storage or salvage for reuse or sale.
- 2.34 OWNER means the assessed owner and all persons shown by the records of the Registry Office or the Assessment Roll to have an interest in such property, and includes: the person who, for the time being is managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as an agent or trustee of any other person or who would so receive the rent if such lands and premises were let, and shall also include 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.
- 2.35 PERSON shall include an individual, an association, a firm, a partnership, an incorporated company, Municipal Corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.
- 2.36 PLUMBING AND 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 connections to water, gas, sewage or vent pipes.
- 2.37 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 theretofore or hereafter erected and includes vacant property.
- 2.38 REPAIR includes the provisions of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- 2.39 SEWAGE means any liquid waste containing animal, human, vegetable or mineral matter in suspension or solution, but does not include storm water.
- 2.40 SEWAGE SYSTEM means the Municipal sanitary sewage system or a private sewage disposal system approved by the Ministry of the Environment or its designated agent.

- 2.41 **STANDARDS** means the standards for the maintenance and improvement of the physical condition of property and for the fitness for occupancy prescribed in this By-law.
- 2.42 **STRUCTURE** means a combination of materials to form a construction or fixed erection to or supported by the soil other than a building, which is not adapted to permanent or continuous occupancy, and shall include a tent, receiving stand, platform, staging, wall, retaining wall, radio or television antenna, supporting structure, shed coal or garbage bin, fence, sign, and every other construction or erection that is not a building.
- 2.43 **SUPPLIED** means installed, furnished or provided by the owner.
- 2.44 **TOILET ROOM** means:
- a) in relation to non-residential property, a room containing one or more water closets and wash basins; and
 - b) in relation to residential property, a room containing a water closet.
- 2.45 **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.
- 2.46 **VACANT LAND** means any property on which there are no buildings or structures of any kind but shall not mean lands identified by the Municipality as areas of environmental importance or lands utilized for agricultural production.
- 2.47 **VEHICLE** means a motor vehicle, trailer, boat, motorized snow machine, mechanical equipment and any vehicle drawn, propelled or driven, by any kind of power, including muscular power.
- 2.48 **YARD** means a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, structures, or uses as are specifically provided for elsewhere in this By-law.

SECTION 3 – PROPERTY STANDARDS

The provisions of subsection 3 prescribe standards for the maintenance, repair and occupancy of all property within the Township.

3.1 YARDS

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

- a) rubbish, garbage, waste, dead animals and other debris;
- b) objects and conditions that might create a health, fire or accident hazard;
- c) heavy undergrowth and noxious plants, such as ragweed, poison ivy, poison oak, and excessive growth of, weeds and other noxious vegetation
- d) any vehicle, boat, trailer or part of any vehicle, boat or trailer, which is in a wrecked, discarded, dismantled, partly dismantled, or in an abandoned, unlicensed or inoperable condition, but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is actively carried on;
- e) dilapidated or collapsed structure and any unprotected well, old underground tanks, or other unsafe condition.

3.2 LANDSCAPING

- a) Hedges, planting, trees or other landscaping, required by the Municipality as a condition of site development or redevelopment, 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 ground cover shall be provided to prevent erosion of the soil.
- c) All areas used for vehicular traffic, parking, and facilities for loading and unloading shall be maintained in good repair, free of potholes, and adequately drained.

3.3 FENCES, WALLS, RETAINING WALLS AND OTHER BARRIERS

- a) Fences, walls, retaining walls and other barriers shall be maintained in good repair, free from accident hazards and may be protected by paint, preservative or other weather-resistant material.
- b) Enclosures (fences) around swimming pools shall be a minimum of 1.5 metres in height and provided with locks in good working order.
- c) Shall conform to Township Fence By-law.

3.4 TOWERS, MASTS, ANTENNAE AND SATELLITE DISHES

- a) Towers, masts, antennae, satellite dishes and structures of similar character shall be maintained in good repair and in a structurally sound condition so as not to become unsafe or an accident hazard.

3.5 PEST PREVENTION

- a) Every property shall be kept free of vermin so as not to cause a nuisance, health and/or safety hazard. Methods used for extermination shall be in accordance with

the provisions of the *Pesticide Act* R.S.O. 1990, Chapter 11 as amended, and all regulations passed pursuant thereto.

3.6 GARBAGE DISPOSAL

- a) Every dwelling and every dwelling unit within the dwelling shall utilize composting, sufficient receptacles, or garbage bags to contain all garbage, rubbish and ashes.
- b) Every property shall be kept free of such refuse or litter.
- c) Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.

3.7 PASSAGEWAYS

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

3.8 SIGNAGE

- a) A sign and any structure supporting the same shall be installed and maintained in good repair and in a safe and structurally sound condition.
- b) A sign that is unused, not cared for or discarded shall, with its supporting members, be removed from the property or shall be stored within a building.

3.9 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 so as to prevent the entrance of water into a basement or cellar.
- b) No storm water, roof or sump pump drainage shall be discarded on sidewalks, stairs or neighboring properties.
- c) Catch basins and swales shall be installed and maintained where necessary to facilitate drainage.
- d) Storm water from the roof or driveway or other surface shall not be drained to the sanitary sewage system.
- e) Where water run-off from roof surface is discharged by way of eaves troughs or roof gutters and down pipes, they shall be maintained in good working order.

3.10 SEWAGE

- a) Sewage shall be discharged into the sewage system 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.
- b) Notwithstanding subsection (a) above, where a sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved by the Minister of the Environment or its designated agent.

3.11 ACCESSORY BUILDINGS

Every accessory building or structure and every part thereof shall be kept in good repair and free from health, fire and accident hazards, and be maintained in a

structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject.

3.12 FOUNDATIONS, BASEMENTS AND CELLARS

Foundation walls, piers and basement floors shall be maintained in good repair, in a structurally sound condition.

3.13 EXTERIOR WALLS AND SURFACES

a) The exterior walls and their components shall be adequate to support the loads upon them and shall be maintained so as to prevent their deterioration due to weather, or vermin.

b) All cornice, frieze, corbels and similar decorative features shall be maintained in a safe condition.

3.14 OVERHANGING EXTENSIONS

All canopies, marquees, signs, awnings, balconies, stairways, fire escapes, stand pipes, exhaust ducts and similar overhanging extensions shall be:

a) maintained in good repair;

b) properly anchored.

3.15 ROOF AND ROOF-RELATED STRUCTURES

a) All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in a watertight condition.

b) All roof-related structures, including among other things chimneys, stacks, masts, lightning arresters and antennae, shall be maintained in good repair and in a safe and structurally sound condition.

3.16 DOORS, WINDOWS, SHUTTERS AND HATCHWAYS

a) All exterior openings for doors and windows shall be fitted with doors and windows.

b) Windows, including storm and screen windows, exterior doors and basement or cellar hatchways, shall be maintained in good repair and except for screen windows, so as to prevent the entrance of wind or rain into the building.

3.17 STAIRS, RAMPS, BALCONIES AND OTHER PLATFORMS

a) An inside or outside stair or ramp and any balcony, porch platform, deck, verandah, loading dock, or landing appurtenant to it shall be maintained in good repair and in a safe and structurally sound condition.

b) Balustrades, guard and railings shall be maintained in good repair and in a safe and structurally sound condition.

- 3.18 **INTERIOR STRUCTURES, SURFACES AND FINISHES**
- a) The 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 crawl space.
 - b) Interior floors and floor coverings, ceilings and walls shall be maintained in good repair and in a safe condition.
 - c) All floors and floor coverings shall be reasonably smooth and level.
 - d) In every building or structure all joists, beams, studding and roof rafters shall be of sound material and adequate for the load to which they may be reasonably subject.
- 3.19 **ELEVATORS AND ELEVATING DEVICES**
- Elevator, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be maintained in good working order, good repair and in safe condition.
- 3.20 **PLUMBING SYSTEMS**
- a) Where required by any Act, Regulations or By-law that sanitary facilities be provided in a building, every such building shall be provided with an adequate supply of potable running water from the mains of the Township of Wellesley or from a source approved by the Ministry of the Environment.
 - b) All plumbing, including every drain pipe, water closet and plumbing fixture in a building and the building drainage or building sewer shall be maintained in good working condition, free from leaks and defects and shall be protected from freezing.
- 3.21 **TOILET, BATHROOMS AND KITCHEN FACILITIES**
- a) All water closets, other than those in dwellings, shall be fully enclosed within a compartment or room having a door capable of being locked so as to provide privacy for the occupant. Where a toilet room contains more than one water closet or toilet, each water closet or toilet compartment shall be provided with a means of locking the door on such compartment to provide privacy.
 - b) No water closet or urinal shall be located in a room that is used for the preparation of cooking, storing, or consumption of food, or for sleeping purposes.
 - c) Every dwelling unit shall be provided with at least one kitchen sink, water closet, washbasin and bathtub or shower, with an adequate supply of running water and an acceptable means of sewage disposal.
 - d) Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.
- 3.22 **VENTILATING SYSTEMS**
- a) Ventilation shall be provided and maintained within a building so as to prevent accumulation of heat, dust, fumes, gases, including carbon monoxide, vapors, and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

- b) Every bathroom containing a water closet or urinal shall be provided with an adequate opening or openings for natural ventilation. An opening for natural ventilation may be omitted if mechanical ventilation is provided.
- c) Every attic, basement, cellar and unheated crawl space shall be adequately vented to the outside air.
- d) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- e) Every habitable room in a dwelling unit shall have an adequate opening or openings for natural ventilation. An opening for natural ventilations may be omitted if mechanical ventilation is provided.

3.23 HEATING SYSTEMS AND OTHER MECHANICAL SYSTEMS

- a) A heating systems shall be provided in all buildings capable of supplying, during normal hours of occupancy, sufficient heat to maintain a minimum air temperature of 21 degrees Celsius. The heating system and temperature required need not be provided for space not normally heated.
- b) The heating system and hot water system required and other mechanical system required shall be provided, maintained and operated in good working order, good repair, and in a safe condition.
- c) Except in the event of an emergency, auxiliary heaters shall not be used as the primary source of heat within a building. Auxiliary heaters shall not be located so as to present a fire or safety hazard not impede the free movement of persons within the building or room where the heater is located.
- d) Every fuel burning appliance shall be properly used and vented to the outside air by means of a chimney or a vent flue if venting is required to ensure safe operation.
- e) A space that contains a heating unit shall have natural or mechanical means of providing the required combustion air.
- f) A place 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.
- g) All heating equipment, every chimney, smoke pipe and flue of a building shall be maintained and kept clear of obstruction so as to prevent any gases from leaking in the building, and so that under conditions of use any combustible material adjacent thereto, insulated there from, or in contact therewith, shall not be heated to unsafe conditions.

3.24 ELECTRICAL SYSTEMS

The connections of an electrical supply system to a building and the system of circuits and outlets distributing the electrical supply within a building shall provide adequate capacity for the use and intended use of a building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be maintained in good working order, good repair and in a safe condition.

3.25 LIGHT

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

3.26 VACANT BUILDINGS AND PROPERTY

a) The owner of any vacant or unoccupied building shall protect such building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by taking measures to prevent the entry thereto by all unauthorized persons.

b) All boarding used shall be installed and maintained in good repair.

c) Vacant lands shall be maintained clean and free from rubbish or debris and objects or condition that may create a health, fire or accident hazard and the provisions of subsection 3.1 of this By-law shall apply.

3.27 DEMOLITION

Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations and provided and maintained with a suitable ground cover.

3.28 EGRESS

a) Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level.

b) There shall be secondary means of egress from every dwelling unit located on each floor above the second floor, and for any occupancies located in the basement, or cellar so as to provide a safe and convenient means of egress in case of emergency unless otherwise permitted by the Building Code or the Fire Marshall's Retrofit Regulations.

3.29 OCCUPANCY STANDARDS

a) No person shall use or cause to permit to be used non-habitable space for the purpose of a habitable room.

b) No basement space shall be used as a habitable room unless it meets the following:

1) Floor and walls are constructed so as to be impervious to leakage from underground or surface run-off water and shall be damp-proofed. Floors shall be constructed of concrete or other finished flooring.

2) The habitable rooms meet all requirements for light, ventilation and ceiling heights set out in this By-law and the Building Code.

3) Each habitable room shall be separated from any fuel fed or combustion furnace, incinerator or other equally hazardous equipment by a partition having a fire resistance rating of at least one hour.

4) Access to each habitable room shall be gained without passage through a furnace or boiler room.

5) A secondary means of egress shall be provided for any occupancies located in the basement so as to provide a safe and convenient means of egress in case of emergency unless otherwise permitted by the Ontario Building Code or the Fire Marshall's Retrofit Regulation.

SECTION 4 – GENERAL DUTIES AND OBLIGATIONS TO COMPLY

- 4.1 The standards for the maintenance and occupancy of property prescribed in SECTION 3 of this By-law apply to all property in the Township.
- 4.2 No owner shall use, occupy or permit the use or occupancy of any property that does not satisfy the terms and conditions of an Order to Conform to the standards established in this By-law.
- 4.3 The owner of any property which does not conform to the standards established by this By-law shall either:
- 1) repair and maintain such property in accordance with the standards of this By-law; or
 - 2) remove or demolish the whole or the offending part of the property that is not in accordance with the standards and leave it in a graded and level condition.
- 4.4 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to this By-law of Section 15.1(3) of the *Building Code Act* R.S.O. 1992, C23, and amendments thereto, except with the consent of the Officer.

SECTION 5 – ADMINISTRATION AND ENFORCEMENT

- 5.1 **APPLICATION OF THE BY-LAW**
Where a provision of this By-law conflicts with the provisions of another By-law in force in the Township, the provisions which establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 5.2 **OFFICERS AND INSPECTORS**
- a) The Council of the Township shall, by By-law, appoint a Property Standards Officer who shall be responsible for administering and enforcing the provisions of this By-law.
 - b) The persons from time to time holding the position of Chief Building Official, By-law Enforcement Officer or Building Inspector in the Township of Wellesley are hereby designated as Inspectors to assist the Property Standards Officer in the administration and enforcement of this By-law.

5.3 RIGHT OF ENTRY FOR INSPECTING PROPERTY

a) For the purpose of enforcing this By-law, but subject to subsection 5.3(b) below, the person acting under the instructions of the Officer may, at all reasonable times and upon producing proper identification, enter and inspect any property or premises to which this By-law applies.

b) An Officer, Inspector, or any other person acting under the instructions of the Officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act*.

5.4 NOTICE OF VIOLATION

a) If, after inspection, the Officer is satisfied that, in some respect, the property does not conform with the standards prescribed in this By-law, he shall serve, or cause to be served, by personal service upon, or send by personal service upon, or send by prepaid registered mail to the owner of the property, and all persons shown by the records of the Registry Office, the Land Titles Officer and the Sheriff's Office to have any interest therein, a Notice containing particulars of the non-conformity and at the same time provide all occupants with a copy of such Notice.

b) The Notice of Violation Shall:

- 1) State the Municipal address and legal description of such property;
- 2) State that the property does not conform with the standards prescribed by the By-law;
- 3) Specify the standards with which the property does not conform;
- 4) Specify the action required to be taken to bring the property into conformity with the By-law, giving reasonable particulars thereof;
- 5) State that any person served with the Notice may make representations in respect to the condition of the property, or the work required to be done, in writing or at a meeting with the Officer.
- 6) State that any representations or requests for a meeting shall be in writing and received by the Officer within twenty-one (21) days of the date of personal service of the date of mailing of the Notice, failing which an Order may be made pursuant to Section 5.7 herein; and
- 7) State the name and the business address of the Officer giving the Notice.

5.5 SUBSTITUTED SERVICE

If the said Officer is unable to effect service of the Notice of those persons as required by subsection 5.4 herein, he shall place a placard containing the terms of the Notice in a conspicuous place on the property and the placing of the placard shall be deemed to be sufficient service of the Notice on such persons.

5.6 MEETING BEFORE THE PROPERTY STANDARDS OFFICER

If a meeting is requested by the owner or other persons served with Notice, such meeting shall be held by the Officer within thirty (30) days of the receipt of the request and the owner shall have the right to make such representations and lead such evidence as he desires at the meeting.

5.7 ORDERS

a) At any time after the date specified in the Notice for making representations to the Officer or after a meeting under Section 5.6 herein, the Officer may issue an Order with regard to the non-conforming property.

b) The Order shall either be personally served upon or sent or caused to be sent by prepaid registered mail to the last known address of the owner and all persons shown by the record of the Land Registry Office, and the Sheriff's Office as having an interest therein and may at the same time be provided to all occupants.

5.8 SUBSTITUTED SERVICE

If the said Officer is unable to effect service of the Order on those persons as required by subsection 5.7(b) above, he shall place a placard, containing the terms of the Order, in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Order on such persons.

5.9 CONTENTS OF ORDER

a) An Order issued under Section 5.7 shall state as follows:

- 1) the Municipal address or the legal description of the subject property;
- 2) reasonable particulars of the repairs to be effected or a statement requiring the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
- 3) a reasonable period in which there must be compliance with the terms and conditions of the Order and Notice that if such repair or clearance is not so done within the time specified in the Order the Township may carry out the repair or clearance at the expense of the owner; and
- 4) the final date for giving Notice of Appeal from the Order.

5.10 REGISTRATION OF THE ORDER

a) The Order under subsection 5.9 may be registered in the proper Land Registry Office against title to the subject property and, when so registered, any person acquiring any interest in the said property subsequent to the registration of the Order shall be deemed to have been served with the Order as of the date on which the Order was served.

b) When the requirements of an Order which has been registered on title have been satisfied, the Township Clerk shall forthwith register in the proper Registry Office a certificate indicating that such requirements have been satisfied, which shall operate as a discharge thereof.

5.11 REPAIRS ACCEPTABLE TO THE TRADE

All repairs to any property shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with material that are suitable and sufficient for the purpose.

5.12 PROPERTY STANDARDS COMMITTEE

There shall be and is hereby established a Property Standards Committee of at least three (3) persons to be appointed for the term of the Council that appointed them:

1) The Committee shall appoint one of their number as Chairman and, when the Chairman is absent through illness or otherwise, the Committee may elect another member to act as Chairman pro tempore.

2) the Committee shall appoint a Secretary for the Committee who shall keep on file minutes and records of all applications and decisions thereon and of all other official business of the Committee.

3) 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 5.14(a) shall give Notice or direct that Notice be given of such hearing to such persons as the Committee considers should received such Notice.

5.13 APPEAL TO PROPERTY STANDARDS COMMITTEE

a) When an owner or occupant upon whom an Order of the Officer has been served is not satisfied with the terms or conditions of the 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 after service of the Order and, if 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 function of the Officer and may confirm 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 the Official Plan are maintained.

5.14 APPEAL TO THE COUNTY COURT JUDGE

a) The Township , or any owner or occupant or person affected by the decision under sub-section 5.14(b), may Appeal to a Judge of the Ontario Court (General Division) by so notifying the Clerk of the Township in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision, and

1) 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 persons and in such manner as he prescribes;

2) the appointment shall be served in the manner prescribed by the Judge;
and

3) The Judge on such Appeal has the same power and function as the
Committee.

b) The Order, as deemed to have been confirmed pursuant to subsection 5.14(b)
or in the event of an Appeal to the Judge, pursuant to subsection 5.15 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.

5.15 POWER OF THE CORPORATION TO REPAIR OR DEMOLISH

a) If the owner or occupant of any property fails to demolish the property or to
repair in accordance with an Order as confirmed or modified, the Township, in
addition to all other remedies:

1) 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

2) 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 Township under the provisions of this subsection; and

3) Shall have the right to recover the expenses incurred in respect thereof
by any or all of the methods provided for in Section 15.4(1) of the
Building Code Act R.S.O. 1992, c23 except that such amount, if any, as is
to be borne by the Municipality as a result of a determination made by a
Judge pursuant to the provisions of Section 15.4(4) and Section 15.7(10)
of the *Building Code Act R.S.O. 1992, c23* may not be recovered.

5.16 CERTIFICATE OF COMPLIANCE

a) Where an inspection of a property has taken place following a complaint the
Officer may or on the request of an owner shall issue to the owner a Certificate of
Compliance if, in his opinion, the matter complained of has been remedied in
order to comply with the Standards of this By-law and where it is issued at the
request of the owner, the fee payable therefore by the owner to the Township is
the sum of Thirty (\$30.00) Dollars.

b) Where any sign, notice or placard has been placed on any premises pursuant to
this By-law, no person shall remove such sign, notice or placard from the
premises without the authority of the Officer.

5.17 EMERGENCY ORDER

a) Notwithstanding any other provisions of this By-law to the contrary, despite
any other provisions of this section, if upon inspection of a property the Officer is
satisfied there is non-conformity with the standards prescribed in the By-law to
such extent as to pose an immediate danger to the health or safety of any person
the Officer may make an Order containing particulars of the non-conformity and
requiring remedial repairs or other work to be carried out forthwith to terminate
the danger.

- b) After making an Order under subsection (a), the Officer may either before or after the Order is served take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the Township has the right, through its servants and agents, to enter in and upon the property from time to time.
- c) The Officer, The Township or anyone acting on behalf of the Township is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under subsection (b).
- d) Where the Order was not served before measures were taken by the Officer to terminate the danger, as mentioned in subsection (b), the Officer shall forthwith after the measures have been taken, serve or send copies of the Order, in accordance with Section 15.10(5) of the *Building Code Act* R.S.O. 1992, c23 as amended, on or to the owner of the property and all persons mentioned in Section 15.1(3) of the *Building Code Act* R.S.O. 1992, c23 and each copy of the Order shall have attached thereto a statement by the Officer describing the measures taken by the Township and providing details of the amount expended in taking the measures.
- e) Where the Order was served before the measures were taken the Officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection (d), in accordance with Section 15.1(6) of the *Building Code Act* R.S.O. 1992, c23, as amended, on or to the owner of the property and all persons mentioned in Section 15.1(13) of the *Building Code Act* R.S.O. 1992, c23.
- f) Forthwith after the requirements of subsection (d) or (e) have been complied with the Officer shall apply to a Judge of the Ontario Court (General Division) of the Regional Municipality in which the property is situate for an Order confirming the Order made under subsection (a), and
- 1) The Judge shall, in writing, appoint a day; time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.
 - 2) The appointment shall be served in the manner prescribed by the Judge; and
 - 3) The Judge in disposing of the application may confirm the Order or may modify or quash it and shall make a determination as to whether the amount expended by the Township in taking the measures to terminate the danger may be recovered by the Township in whole, in part or not at all.
- g) The disposition of the application under sub-section (f)(3) is final and binding.

5.18 PENALTIES

Every person who contravenes any provision of this By-law:

- 1) is guilty of an offence; and
- 2) upon conviction therefore is liable to a fine or a penalty of not more than Five Thousand (\$5,000.00) Dollars as prescribed in Section 61 of The *Provincial Offences Act*, R.S.O. 1990, c.p.33.

5.19 PROVISIONS SEVERABLE

It is hereby declared that each and every one of the foregoing provisions of this By-law is severable and that if any provisions of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

5.20 EFFECTIVE DATE

This By-law shall come into force and take effect on the **3rd** day of July ,**2007**.

PASSED THIS **3rd** day of **July , 2007**.

MAYOR – Ross Kelterborn

CLERK – Susan Duke