

**THE CORPORATION OF THE CITY OF SARNIA**  
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**PLANNING AND BUILDING DEPARTMENT**

**OPEN SESSION REPORT**

TO: Mayor Bradley and Members of Sarnia City Council  
FROM: Jane Cooper, Director of Planning and Building  
DATE: June 22, 2015  
SUBJECT: Draft Property Standards By-Law

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**Recommendation:**

It is recommended:

That Sarnia City Council receives the draft Property Standards By-Law for information and releases it for public review and comment on the City's web site with links to social media.

**Background:**

As part of our commitment to review and update municipal By-Laws the Planning and Building Department has undertaken a full review of Property Standards By-Law (67 of 2005).

**Comments:**

A Property Standards By-Law sets out the minimum standards for building and property maintenance within the City. Standards prescribed in this By-Law are intended to outline what is considered as reasonable maintenance and upkeep of buildings and properties.

Some examples of standards covered by Property By-Law include:

- Vacant and or damaged buildings
- Exterior condition of buildings
- Electrical and plumbing services
- Fences
- Graffiti

The By-Law is often implemented in association with the Lot Maintenance By-Law (75 of 2009) which sets minimum standards for lot maintenance.

Review by staff of the current Property Standards By-Law (67 Of 2005) showed the need to accommodate some additions and amendments. A consultation draft has been prepared which reflect recent changes in provincial regulations as well as new standards to better protect heritage properties, private swimming pools, accessibility into buildings, and requirements for landlords who own a building with more than four units within it, to provide essential services such as electricity, gas and water.

Staff will be posting this draft By-Law on the City's web site over the summer/fall to seek public input and comments. A media release and social media advertising will also be undertaken to draw attention to the draft document. Upon receipt and review of these comments a final draft will be produced and presented to Council later this year for their consideration.

**Consultation:**

Public works and Engineering, Legal Services, Parks and Recreation, Finance and Fire Services were consulted for this report.

**Financial Implications:**

None

Reviewed by:



Jane Cooper  
Director Planning and Building

Approved by:



Margaret Misek-Evans  
City Manager

This report was prepared by Alan Shaw, Manager Building and By-Law.

Attachment: Draft Property Standards By-Law

**BY-LAW NUMBER \_\_\_ OF 2015  
OF THE CITY OF SARNIA**

**DRAFT II**

Property Standards By-law

**WHEREAS** the Official Plan for the City of Sarnia includes provisions relating to the establishment of minimum standards for the maintenance and occupancy of property and associated buildings

**AND WHEREAS** under Section 15.1(3) of the Building Code Act, S.O. 1992, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** Section 11 of the Municipal Act, 2001 provides that a municipality may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** Section 391 of the Municipal Act, 2001 provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid,

**THEREFORE** the Council of The Corporation of the City of Sarnia enacts as follows:

**DEFINITIONS AND INTERPRETATION**

**2(1)** In this By-law:

**"accessibility ramp"** an inclined plane installed in addition to or instead of stairs to permit wheelchair users, as well as people pushing strollers, carts, or other wheeled objects, to access a building.

**"basement"** means that portion of a building from a floor to the underside of a floor or ceiling above, that is located partially or entirely below the adjacent exterior ground level, and includes a cellar or crawlspace;

**"building"** means any structure used or intended to be used for supporting or sheltering any use or occupancy, and includes mobile structures and buildings;

**"Building Code"** means the Building Code Act, 1992 and any regulations made under that Act;

**"Chief Building Official"** - means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, and having jurisdiction for the enforcement thereof.

**"City"** means The Corporation of the City of Sarnia or the geographic area of the City of Sarnia as the context requires;

**"Committee"** means the Property Standards Committee established under this By-law.

**"dwelling"** means a building or part thereof used or intended, to be used, as a home, residence or sleeping place for one or more persons having a right to the exclusive use thereof,

**"dwelling unit"** means a room or a suite of rooms operated under a single tenancy, used or intended to be used by one or more persons for the purposes of human habitation, but does not apply to rooms in a lodging house, long-term care facility, hospital, hotel or residential care facility;

**"guard"** means a protective barrier 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;

**"habitable room"** means a room or area in a dwelling or dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom.

**"heritage attribute"** means an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- (i) in a by-law designating a property passed under section 29, Part IV of the Ontario Heritage Act;
- (ii) in a Minister's order made under section 34.5, Part IV of the Ontario Heritage Act;
- (iii) in a by-law passed under section 41, Part V of the Ontario Heritage Act;

**"Multiple Dwelling"**- means a dwelling consisting of four or more dwelling units;

**"occupant"** means any person or persons over the age of 18 years in possession of a property;

**"occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

**"officer"** means a person appointed by the City to enforce this By-law and includes the Chief Building Official or his or her designate;

**"owner"** includes:

- (i) an owner in fee simple;
- (ii) the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person's own account, or as agent or

trustee of any other person, or who would receive the rent if the property were let;

- (iii) 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;

**"Part IV heritage property"** means property which has been designated by the City or any of its former municipalities under section 29 of the Ontario Heritage Act, or which has been designated by the Minister under section 34.5 of the Ontario Heritage Act;

**"Part V heritage property"** means property located within a heritage conservation district, which has been designated by the City or any of its former municipalities under section 41 of the Ontario Heritage Act;

**"property"** means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all outbuildings, accessory structures, and erections thereon, and also includes vacant land;

**"property standards order"** means an order made under subsection 29(1) of this Bylaw;

**"protective device"** means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;

**"repair"** includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;

**"retaining wall"** means a wall that holds back soil or loose material to prevent it from assuming a natural slope at locations where a change in ground elevation of over 1m (3'-4") occurs;

**"sanitary sewage"** means liquid or water borne waste:

- (i) of industrial or commercial origin; or
- (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

**"sewage system"** means:

- (i) the City's system of storm sewers, sanitary sewers and combined sewers; or
- (ii) a private sewage disposal system approved by the City's Chief Building Official or other responsible authority;

**"storm water"** means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation;

**"Utility Distribution Supplier"** means a company, including a municipality or a local board of a municipality, incorporated for the purpose of supplying, water, electricity, artificial or natural gas.

**"visual barrier"** means a barrier that acts as a screen consisting of:

- (i) a wall or fence;

- (ii) a continuous planting of suitable and healthy trees or shrubs;
- (iii) an earth berm; or
- (iv) any combination of the above.

**2(2)** All measurements in this By-law are given in the metric short form with imperial in (brackets).

### **GENERAL DUTY TO REPAIR**

**3(1)** The owner of a property that does not conform to the standards of this by-law shall *repair* and maintain the *property* to conform with the standards of the by-law or with the exception of designated Heritage Properties shall clear the *property* of all *buildings*, and *refuse* and shall leave the property in a graded and levelled condition.

**3(2)** Any *repairs* undertaken to comply with this by-law shall be carried out with suitable and sufficient materials in a manner and time frame acceptable to the Officer.

**3(3)** This by-law applies to all property within the Municipality.

### **GENERAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES**

**4(1)** In addition to the standards, obligations and requirements that apply to all *property* under sections 5 through 27 of this by-law, all *heritage attributes* of *Part IV heritage properties*, including both interior and exterior *heritage attributes*, and all *heritage attributes* of *Part V heritage properties* shall be:

- (a) maintained so as to prevent deterioration; and
- (b) repaired of any damage.

**4(2)** Subject to any applicable provisions of the Ontario Heritage Act:

- (a) where subsection 4(1) can be complied with by means of *repair*, despite any other provision to the contrary, the *heritage attribute* shall not be replaced and the *repair* shall be undertaken in a manner that minimizes damage to the *heritage attribute*;
- (b) where subsection 4(1) cannot be complied with by means of *repair*, despite any other provision to the contrary, the *heritage attribute* shall be replaced with material of the same type as the original material and in keeping with the design, colour, texture and any other distinctive feature as the original material as approved by the City's Heritage Committee.
- (c) No orders issued under 28(2) of this by-law in respect of a *Part IV heritage property* or a *Part V heritage property* shall state that any building or structure is to be altered or cleared, including but not limited to removed, demolished or relocated;

**4(3)** In addition to the standards, obligations and requirements that apply to all *property* under sections 5 through 27 of this by-law, any roof, wall, floor, retaining wall or foundation, that supports or protects a *heritage attribute* and without which the *heritage attribute* may be at risk of deteriorating or being damaged shall be structurally sound and maintained so as to properly perform its intended function.

**4(4)** Paragraph 4(3) shall be complied with in a manner that minimizes damage to the *heritage attribute*.

### **GENERAL STANDARDS FOR ALL PROPERTIES**

**5(1)** Except as may otherwise be specified in the sections, the standards, obligations and requirements in sections 6 through 27 both inclusive apply to all *property*.

**5(2)** Every *building* shall be kept free of any condition which constitutes a health or safety hazard.

**5(3)** This By-law does not apply to matters which, in the opinion of the *Chief Building Official*, are frivolous, vexatious, or minor in nature.

### **VACANT AND/OR DAMAGED BUILDINGS**

**6(1)** In addition to complying with all other applicable provisions of this By-law, the *owner* of a *building* that is vacant or is damaged by accident, storm, fire, *neglect*, shall comply with this section.

**6(2)** Where any *building* is vacant or is damaged, the owner shall protect such *building* and adjoining properties against damage arising from the entry of unauthorized persons by closing and securing openings to the *building*.

**6(3)** For the purposes of subsection 6(2), doors, windows, hatches and other openings through which entry may be obtained are required to be maintained so as to properly perform their intended function and prevent entry of unauthorized persons, or entry shall be prevented by closing and securing an opening with:

- (a)** wood sheathing of at least 12.7mm (1/2") plywood which is weather resistant, completely covers the opening, and is securely fastened to the building using screws at least 38mm (1 1/2") in length with washers, installed at intervals of no greater than 150mm (6") on centre along the edges.

**6(4)** Where a building remains vacant for a period of more than 90 days, the owner shall ensure that all utilities serving the building, which are not required for safety or security are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjoining property.

### **VACANT AND/OR DAMAGED DESIGNATED HERITAGE PROPERTIES**

**7(1)** Despite subsection 6(4), where a *building* on a *Part IV heritage property* or a *Part V heritage property* remains vacant for a period of more than 90 days, the *owner* shall ensure that appropriate utilities serving the *building* are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.

**7(2)** Despite subsections 6(3) and 6(4), where a building on a *Part IV heritage property* or a *Part V heritage property* is vacant or damaged by accident, storm, fire, neglect or otherwise, the *owner* shall protect the *building* against the risks described in subsection 6(2) and shall effectively

prevent the entrance of all unauthorized person by closing and securing openings to the *building* with boarding:

- a) wood sheathing of at least 12.7mm (½") plywood which is weather resistant, and is securely fastened to the building using screws at least 38mm (1 ½") in length and washers, installed at intervals of no greater than 150mm (6") on centre
- b) which completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- c) on the window openings, which is painted a matte black to resemble window glass;
- d) on door openings, which is painted a colour that matches the colour of the original door; and
- e) on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building;

**7(3)** No window, door or other opening shall be closed or secured in accordance with subsection 7(2) with brick, concrete blocking or any other masonry units and mortar.

## **EXTERIOR OF BUILDINGS & STRUCTURES**

### **All Exteriors**

**8(1)** All exterior surfaces of a *building*, structure, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.

**8(2)** An exterior wall, chimney, roof or other parts of a building, shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects and such material and objects shall be removed, repaired or replaced.

### **Exterior of a Building**

**8(3)** The exterior of a building shall be maintained to prevent the entry of *vermin* and wildlife.

### **Exterior Wall**

**8(4)** An exterior wall and its components and attachments shall be:

- a) maintained to prevent their deterioration by painting, restoring or repairing the walls, coping or flashing or by waterproofing the wall itself;
- b) repaired of vandalism or other damage including but not limited to broken windows.

### **Roof**

**8(5)** A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the *building*;

## **DOORS, WINDOWS, ETC.**

### **All Doors, Windows, Etc.**

**9(1)** An exterior door, window, hatch or other opening and its frame shall be:

- a)** maintained to properly perform their intended functions including but not limited to being constructed to minimize drafts and heat losses through the infiltration of outside cold air into heated space; and
- b)** repaired or replaced if damaged including but not limited to being rotted, missing weather-stripping, caulking or hardware or having cracked or broken glass.

**9(2)** A lock on a door, window, hatch or other opening that is designed to be unlocked with a key or combination shall be maintained so as to properly perform its intended function and repaired or replaced if damaged.

### **Doors**

**9(3)** An exterior door or an entrance door to a *dwelling, dwelling unit* or a *Multiple Dwelling* shall have hardware so as to be capable of being locked from the outside and locked or otherwise secured from the inside.

### **Windows**

**9(4)** An opening window shall have hardware so as to be capable of being locked or otherwise secured from the inside.

**9(5)** A window in a *dwelling* or a *dwelling unit* designed to be open shall be fitted with screens so as to prevent the entrance of insects and such screens shall be maintained so as to properly perform their intended function.

**9(6)** Upon the written request of an *occupant* of a *dwelling unit* in which children under the age of 10 years are occupants, the *owner* of the *dwelling unit* shall;

- a)** provide and install a *protective device* on any window that:
  - a. has a moveable sash; and
  - b. is more than 1.8 m above the adjacent finished ground level.
- b)** The *protective device* under paragraph a) shall be installed and secured in such a manner as to prevent opening of a window to any amount greater than 100 mm. or

## **VENTILATION**

**10(1)** Natural or mechanical ventilation of a room or space in a *building* shall be maintained so as to properly perform its intended function.

**10(2)** Vents shall be designed and maintained to prevent the entry of rain, snow, vermin and wildlife.

## **STRUCTURES, FOUNDATIONS AND BASEMENTS**

### **Structures**

**11(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 additional weight that may be put on it through normal or permitted use.

### **Foundations, Footings and Structural Slabs**

**11(2)** Foundation walls, footings and structural slabs shall be maintained so as to properly perform its intended function and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them

**11(3)** Foundation walls, footings and structural slabs shall be made of concrete, masonry, or other acceptable for construction under the provisions of the *Building Code*.

### **Basements**

**11(4)** Basements shall be maintained in a watertight condition so as to prevent the leakage of water into the building.

## **STAIRWAYS, LANDINGS, BALCONIES, PORCHES, ETC.**

### **Means of Access or Egress**

**12(1)** An exterior or interior stairway, landing, balcony, porch, ramp or other means of access or egress shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible safety hazard.

### **Treads and Risers**

**12(2)** A tread or riser of an exterior or interior stairway that shows excessive wear or is broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

### **Guards, Handrails and Partial or Short Walls**

**12(3)** All exterior stairways with more than 3 risers or an interior stairways with more than 2 risers shall;

- a)** have at least one handrail sufficient to prevent an accidental fall and such handrail shall be repaired or replaced if damaged.
- b)** where the difference in elevation between the stairs and the ground or floor below exceeds 600 mm vertically the stairs shall have guards on open sides sufficient to prevent an accidental fall and such guards shall be repaired or replaced if damaged.

**12(4)** All landing, porch, balcony, mezzanine, gallery, or raised walkway other than those used for industrial or maintenance purposes only shall;

- a)** Where the difference in elevation between a landing, porch, balcony, mezzanine, gallery, or raised walkway and the ground or floor below exceeds 600 mm vertically shall have guards installed on open sides sufficient to prevent an accidental fall and such guards shall be maintained, repaired or replaced if damaged.

### **Accessibility Ramps**

**12(5)** All existing *accessibility ramps* shall;

- a)** be a minimum width of 860mm and no steeper than 1:10 with level landings at the top and bottom of the ramp;

- b)** have handrails on both sides to aid mobility on inclines longer than 1.5m; and
- c)** where the difference in elevation between the ramp, or landing, and the ground or floor below exceeds 600 mm vertically shall have guards installed on open sides sufficient to prevent an accidental fall.
- d)** A ramp or part thereof that shows excessive wear or is broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

**12(6)** Replacement or installation of any new materials, fixtures or elements associated with *accessible ramps* shall comply with section 3.8 of the Ontario Building Code.

## **INTERIOR STRUCTURAL COMPONENTS, FLOORS, CEILINGS AND WALLS**

### **Structural Components**

**13(1)** In every building all structural components including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

### **Floors**

**13(2)** A floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface.

**13(3)** A bathroom, kitchen, laundry or shower room shall have a floor covering of water-resistant material.

### **Ceilings and Walls**

**13(4)** A ceiling or wall shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects.

## **PLUMBING SYSTEMS**

### **Plumbing Systems and Fixtures**

**14(1)** The plumbing system and every plumbing fixture in a building shall be maintained so as to properly perform its intended function and free from leaks and defects.

**14(2)** All piping used to supply or drain water and all appurtenances thereto shall be protected from damage due to freezing.

**14(3)** All plumbing fixtures shall be properly vented and contain a water seal trap to ensure sewer gases do not vent inside of a building.

**14(4)** *Sanitary sewage* shall be discharged into a approved *sewer system*.

### **Dwellings and Dwelling Units**

**14(5)** A building used as a dwelling or containing a dwelling unit shall be provided:

- a) hot water, at a temperature of not less than 43<sup>□</sup> C, to every kitchen sink, bathtub, shower, and washbasin; and
- b) cold water connected to every required plumbing fixture.

**14(6)** A dwelling or dwelling unit shall be provided with an approved supply of potable water from at least one of the following sources:

- a) the City water system;
- b) a communal water system; or
- c) a private source.

**14(7)** A dwelling or dwelling unit shall contain the following working plumbing fixtures:

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

### **KITCHENS AND BATH OR SHOWER ROOMS AND TOILET ROOMS**

#### **Kitchens**

**15(1)** A kitchen shall contain:

- a) a work surface which is impervious to grease and water; and
- b) storage facilities for food, dishes and cooking utensils, of sufficient strength that they will not collapse, or tip when filled;

**15(2)** the floor of every kitchen shall be water-resistant and readily cleaned.

#### **Bath or Shower Rooms and Toilet Rooms**

**15(3)** the floor of every room containing a bathtub, shower and/or toilet shall be water-resistant and readily cleaned.

**15(4)** the walls around every bathtub and or shower shall be water-resistant and readily cleaned.

**15(5)** every room containing a bathtub, shower and/or toilet shall:

- a) be fully enclosed, having a door capable of being closed so as to provide privacy for the occupant;
- b) have a permanently installed working artificial lighting fixture; and
- c) be provided with ventilation either mechanically or use of an operable window.

**15(6)** a hand wash basin shall be located in the same room as a toilet or in an adjoining room which contains a bathtub and/or shower and forms part of the same bathroom.

#### **Accessible Bath or Shower Rooms and Toilet Rooms**

**15(7)** All existing accessible Bath or Shower and Toilet rooms shall:

- a) have clear and unobstructed access to the bath or shower and toilet room from public areas in the buildings.
- b) be large enough to accommodate persons using a wheelchair.
- c) have grab bars installed capable of supporting the full weight of an adult at each plumbing fixture requiring such bars.
- d) Have faucets and controls of the "single-lever action" handle type.

**15(8)** Replacement or installation of any materials, fixtures or elements associated with an accessible bath, shower or toilet room shall comply with section 3.8 of the Ontario Building Code.

## **HEATING SYSTEMS**

### **Heating Systems**

**16(1)** A heating system shall be installed that is capable of supplying sufficient heat to maintain a temperature of not less than 20°C determined at any point in a *habitable rooms*.

**16(2)** A heating system shall be operated and maintained:  
**a)** so as to properly perform its intended function;  
**b)** free from unsafe conditions.

**16(3)** No furnace or boiler shall be located in a hallway or other means of access or egress.

**16(4)** Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

### **Chimneys, Flues and Vent Pipes**

**16(5)** A chimney, flue or vent pipe shall be maintained so as to prevent gases from leaking into a building and maintenance shall include cleaning obstructions, filling open joints and repairing masonry.

**16(6)** Fuel burning appliances or equipment used in a building shall be properly vented to the outside air by means of a Canadian Standards Association approved or Building Code or Gas Utilization Code compliant chimney, flue or vent pipe.

## **ELECTRICAL SERVICES**

**17(1)** A building used as a dwelling or containing a dwelling unit shall be provided with electrical services.

**17(2)** An electrical service shall comply with the Ontario Electrical Safety Code as enforced by the Electrical Safety Authority.

## **SITE PLAN AGREEMENTS.**

**18(1)** Where landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, lighting or similar features on a property have been required by the City as a condition of development, redevelopment, zoning by-law, site plan or subdivision agreement, such works shall be repaired and maintained so as to ensure continuous compliance with the City requirements.

## **LIGHTING**

**19(1)** A stairway, exterior exit and entrance doorway, bath or shower room, toilet room, kitchen, corridor, basement, common area, underground

parking, laundry room and utility room in a building shall have permanently installed working lighting that shall be maintained so as to properly perform its intended function.

**19(2)** Outdoor lighting shall be placed and maintained, so as to not be directed at a dwelling or dwelling unit on adjoining property.

### **SWIMMING POOLS**

**20(1)** All pools, hot tubs or landscaped water features and any accessory or parts thereof, including covers shall be;

- a)** maintained, in good repair and working condition, and
- b)** kept free from accumulation of untreated, uncirculated water or stagnant water,

**20(2)** No person shall backwash or drain a swimming pool in a manner that adversely affects any adjacent land.

### **STORM WATER**

**21(1)** Storm water including storm water discharged from a roof shall:

- a)** be directed or limited so as to prevent erosion or other damage to an adjoining property; and
- b)** not be permitted on a sidewalk, road allowance or stairway.

**21(2)** Discharge from a sump pump or an air conditioner shall not be permitted to discharge on adjoining property, a sidewalk, road allowance or stairway.

**21(3)** An eaves trough or downspout shall be maintained:

- a)** watertight and free from leaks;
- b)** free from any obstructions; and
- c)** in a stable condition, securely fastened to the building or structure it drains.

### **FENCES, BARRIERS AND RETAINING WALLS**

**22(1)** A fence, barrier (including a *visual barrier*), or retaining wall shall be maintained in good repair and sufficiently sturdy so as not to present a hazard through risk of toppling or collapse or through risk of portions coming loose that could become a hazard.

**22(2)** Where fences or retaining walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings

**22(3)** All retaining walls, shall be constructed of durable material and shall be maintained in a structurally sound condition. Such maintenance includes:

- a)** repairing or replacing of all deteriorated, damaged, misaligned or missing portions of the wall and any railings or guards appurtenant thereto; and
- b)** installing subsoil drains where required to maintain the stability of the wall.

**22(4)** the requirements of this section do not apply to properties zoned and used for agricultural purposes.

### **WASTE DISPOSAL**

**23(1)** A waste storage area, including a waste chute, shall be kept clean and in a sanitary condition.

**23(2)** A waste chute in a *multiple dwelling* shall be maintained in operation at all times.

### **ELEVATORS**

**24(1)** An elevator shall be maintained in operation and in compliance with the Technical Standards and Safety Act.

### **VITAL SERVICES**

**25(1)** No Owner of a *multiple dwelling* or any Person or Persons acting on behalf of such Owner shall disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a dwelling unit occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of Repairing, replacing or otherwise altering said service or utility

**25(2)** A owner of a *multiple dwelling* shall be deemed non-compliant to section 25(1) if the owner is obliged to pay the *Utility Distribution Supplier* and fails to do so and, as a result of the non-payment, the service is no longer provided.

**25(3)** Section 25(2), of this by-law does not apply to an owner with respect to a dwelling unit where the tenant is under contract to obtain and pay for the services from a *Utility Distribution Supplier*.

### **OCCUPANCY STANDARDS**

**26(1)** No room or space within a building shall be used for a purpose that is not compliant with the Building Code and applicable zoning by-laws.

**26(2)** A living room, dining room, kitchen, and bedroom shall have a minimum room height of not less than;

- a)** 1.95m (6' 5") over the required floor area and in any location that would normally be used as a means of egress; and
- b)** 2.1m (6' 11") over at least 50% of the required floor area, provided that any part of the floor having a clear height of less than 1.4 m shall not be considered in computing the required floor area.

**26(3)** A bedroom for one person shall have a floor area of at least 6 m<sup>2</sup> (65sqft) with no measurement being less than 1.8 m between walls.

### **GRAFFITI**

**27(1)** Written slogans and graffiti on the exterior of any building, wall, fence or structure shall be prohibited, including painted or chalked titles or messages.

### **EMERGENCY CONTACTS AND APARTMENT IDENTIFICATION**

**28(1)** Every Owner of a *multiple dwelling* shall provide, install, and maintain contact information in a common area in case of an emergency on a 24 hour basis where an authorized person responsible for the Property can be reached.

**28(2)** In *multiple dwellings*, each Dwelling Unit door connected to interior common space, hallways, exits, etc. shall have the unit number posted on or beside the door and be installed in a manner and size that can be easily seen by visitors, service persons and emergency response personnel.

### **PROPERTY STANDARDS ORDER**

**29(1)** If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

**29(2)** The order referred to in subsection 29(1) shall:

- a)** state the municipal address or the legal description of the property;
- b)** give reasonable particulars of the repairs to be made or state that the property is to be cleared of all buildings, structures or debris and left in a graded and levelled condition.
- c)** indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense;
- d)** indicate the final date for giving notice of appeal from the order; and
- e)** be served or caused to be served:
  - i.** by personal service; or
  - ii.** by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

**29(3)** For the purposes of paragraph 29(2)(e) ii., "**last known address**" of the owner includes but is not limited to the address provided to the City for the payment of property taxes for the property or the address for service on the title document for the property.

### **APPEAL OF A PROPERTY STANDARDS ORDER**

**30(1)** An owner or occupant who has been served with a property standards order and who is not satisfied with the terms or conditions of the order, may appeal to the *Committee* by sending a notice of appeal, including grounds for the appeal and the applicable fee, by registered mail or by personal service to the Secretary of the *Committee* within 14 days after being served with the order.

**30(2)** A property standards order that is not appealed within 14 days after being served with the order is deemed to be confirmed.

**30(3)** If an appeal is filed, the *Committee* shall hear the appeal and shall have all the powers and functions of the officer who made the property standards order and may;

- a) confirm, modify or rescind the order to demolish or repair;
- b) extend the time for complying with the order.

## **COMPLIANCE**

### **General Prohibitions**

**31(1)** No owner or occupant of a property shall:

- a) fail to comply with all standards prescribed in this By-law;
- b) fail to comply with an order of an Officer;
- c) remove an order posted by an Officer; or
- d) occupy or allow occupancy of a building which fails to meet occupancy standards

### **Offences and Fines**

**31(2)** Any person who fails to comply with a property standards order which is final and binding, any other order, a direction or a requirement made under this By-law is guilty of an offence and upon conviction shall be liable to a fine as set out in Sec 36 of the Building Code Act.

### **Inspection of Property without Warrant**

**31(3)** Pursuant to the Building Code Act, a Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting a property to determine,

- (1) whether the property conforms with the standards prescribed in this by-law; or
- (2) whether an order made under Section 2.04 or Section 2.05 of this by-law has been complied with.

### **Power of City to Repair or Demolish & Remedial Action**

**31(4)** If the owner or occupant of a property fails to comply property standards order as deemed confirmed or as confirmed or modified by the committee or a judge, the City may cause the property to be repaired or demolished accordingly.

**31(5)** Section 31(4) includes the payment of any outstanding fees to a *Utility Distribution Supplier* in order to ensure compliance to section 25 of this by-law is maintained.

**31(6)** The City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers

**31(7)** No building or structure on a *Part IV heritage property* or a *Part V heritage property* may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act.

**31(8)** The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes as outlined in section 446 of the Municipal Act, 2001.

### **Certificate of Compliance**

**31(9)** An officer who, after inspecting a property, is of the opinion that the property is in compliance with this by-law, shall issue a certificate of compliance to an owner who has submitted a completed application form and paid the applicable fee as set out in the User Fees and Charges By-law.

## **ADMINISTRATION AND ENFORCEMENT**

### **Officers**

**32(1)** The Chief Building Official is assigned the responsibility of administering and enforcing this By-law and the applicable provisions of the Building Code and may assign duties to such persons as necessary to carry out administration and enforcement of this By-law and the applicable provisions of the Building Code.

### **Property Standards Committee**

**32(2)** A Committee to be known as the Property Standards Committee of the City of Sarnia is established.

**32(3)** The Committee shall consist of no fewer than 3 residents of, or property owners in the City, to be appointed by Council with a 4-year term, or such shorter term as may be determined by Council.

**32(4)** Despite subsection 32(3), a member of the Committee shall hold office until his or her successor has been appointed.

**32(5)** Any vacancy on the Committee shall be filled forthwith.

## **SEVERANCE AND CONFLICT**

**33(1)** If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, such provision or provisions are deemed to be severable and it is the intention of Council that the remainder of the By-law shall continue to be in force

**33(2)** Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the City, the provision that establishes the higher standard to protect the health and safety of persons prevails.

## **ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED**

**34(1)** Any order issued, proceeding being conducted or other action being carried out under By-law No. 67 of 2005 shall be deemed to continue under this By-law, and any reference to By-law No. 67 of 2005 in such order, proceeding or other action shall be deemed to refer to this By-law.

**34(2)** *For the purposes of this By-law, where any portion of a fence retaining wall, or common wall:*

- a)** does not conform to the standards under this By-law; and
- b)** is confirmed by a survey to be located touching or on the property line between adjoining properties at finished ground level, that portion of the fence or retaining wall is deemed to be owned in equal shares by the owners of the adjoining properties, unless proven otherwise

**34(3)** Despite section 34(2), where provision is made for ownership of or responsibility for a fence, retaining wall or common wall under a City by-law other than this By-law or under any other City Council approved document, then that provision applies *for the purposes of this By-law*.

Effective Date

**EFFECTIVE DATE**

**35(1)** This By-law shall come into force and effect on the day it is passed.

**Passed this \_\_\_\_ day of \_\_\_\_\_ 2015**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**