

**CORPORATION OF THE TOWNSHIP OF
KILLALOE, HAGARTY AND RICHARDS**

BY-LAW #34-2011

Being a by-law for prescribing standards for the maintenance and occupancy of property within the Township of Killaloe, Hagarty and Richards.

WHEREAS the Corporation of the Township of Killaloe, Hagarty and Richards is authorized to enact a by-law pursuant to the provisions of Section 15 of the Building Code Act, S.O. 1992 c.23, and amendments thereto;

AND WHEREAS the Corporation of the Township of Killaloe, Hagarty and Richards has in effect an Official Plan which includes provisions relating to property conditions and standards as set out in the Official Plan of the County of Renfrew, which applies to the Township of Killaloe, Hagarty and Richards;

AND WHEREAS the Corporation of the Township of Killaloe, Hagarty and Richards deems it expedient to enact a by-law for prescribing standards for the maintenance and occupancy of property within the Township of Killaloe, Hagarty and Richards, for 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;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards hereby enacts as follows:

SECTION 1 – SHORT TITLE:

1.1 This by-law may be cited as the “Property Standards By-Law”.

SECTION 2 – DEFINITIONS:

- 2.1 “Accessory Building”:** shall mean a subordinate, detached building not used for human habitation, designed or intended for the better or more convenient enjoyment of the main building to which it is accessory and is located upon the lot upon which the main building is or is intended to be erected and shall include a private garage where such garage does not form part of the main building.
- 2.2 “Alteration”:** (as applying to a building) shall mean a change from one major occupancy class or division to another, or a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change of the fixtures and equipment.
- 2.3 “Building”:** shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- 2.4 “Building Code Act”:** shall mean Building Code Act S.O. 1992, c.23, and subsequent amendments thereto.
- 2.5 “Building Code”:** shall mean the Ontario Building Code.
- 2.6 “Committee”:** means the Property Standards Committee established under Section 15.6 or the Building Code Act S.O. 1992, c.23.
- 2.7 “Council”:** shall mean the Council of the Corporation of the Township of Killaloe, Hagarty and Richards.
- 2.8 “Dwelling”:** shall mean a building or structure or part of a building or structure

occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all accessory buildings, outbuildings, fences or erections thereon or therein.

- 2.09 “Good Repair”:** shall mean that a building, structure or appurtenances thereto, shall be maintained in such condition as to be:
- a) Free from accident or fire hazard
 - b) Structurally sound
- 2.10 “Grade”:** shall mean the average level of finished ground adjoining a building at all exterior walls.
- 2.11 “Maintain”:** shall mean the preservation or keeping in repair of a property as required by this by-law and any applicable regulations.
- 2.13 “Non-Residential Property”:** shall mean a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant thereto.
- 2.14 “Occupancy”:** shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.15 “Occupant”:** shall mean any person or persons over the age of 18 years in possession of the property.
- 2.16 “Officer”:** shall mean the Property Standards Officer who will be assigned the responsibility of administering and enforcing this by-law.
- 2.17 “Owner”:** shall mean the person shown on the last assessment roll as the owner, and can also mean a person for the time being managing or receiving the rent on the land or premises in connection with which the word is used whether on his/her own account or as agent or trustee of any person or who would so receive the rent if such land and premises were let, and shall also include the lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the Standards for the maintenance and occupancy of the property.
- 2.18 “Property”:** shall mean a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.19 “Refuse or Garbage”:** shall mean refuse or garbage and without limiting the generality of the foregoing includes, rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, furnaces, water or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, material from construction or demolition projects and old clothing. Recyclable material that is contained in appropriate receptacles or containers for transport to a recycling or approved waste management facility is acceptable.
- 2.20 “Repair”:** includes the provision of 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. All repairs shall be made in conformity to the requirements of the Ontario Building Code and the Building Code Act.
- 2.21 “Residential Property”:** shall mean any property that is used or designed for use of a domestic establishment, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.

- 2.22 “Standards”:** shall mean the standards or physical condition and occupancy prescribed for property by this by-law.
- 2.23 “Vehicle”:** shall mean a motor vehicle, trailer, boat, motorized snow vehicle, all terrain vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 2.24 “Yard”:** shall mean the land, other than publicly owned land, immediately around and appurtenant to the whole or any part of a residential or non-residential property and lawfully used or intended to be used or capable of being used in connection with the property.

SECTION 3 – GENERAL DUTIES AND OBLIGATIONS:

- 3.1** No person shall occupy, use, permit the use of, rent, or offer to rent, any property that does not conform to the standards as set out in this by-law.
- 3.2** The owner of any property shall either:
- (a) repair and maintain the property in accordance with the standards, or
 - (b) remove or demolish the whole or the offending part of any property that is not in accordance with the standards.
- 3.3** When any lands and/or buildings are not maintained pursuant to the requirements of this by-law, the Property Standards Officer shall send a Notice by **registered mail or delivered by hand** to the owner or occupants address requiring him/her to make the lands and buildings conform to the requirements of the by-law and the Notice shall specify the time allowed for compliance.

SECTION 4 – PROPERTY STANDARDS:

4.1 YARDS, PARKING LOTS, VACANT PROPERTY AND BUILDINGS:

- (a) Every person shall keep yards, parking lots, vacant properties and buildings clean and free of litter, rubbish, debris, salvage, refuse, decaying and damaged trees, branches and limbs, objects or conditions that might create a health or fire accident hazard.
- (b) Every person shall keep grass, plantings and hedges on their yards and vacant properties trimmed and neat. Every person shall keep yards and vacant properties free from heavy undergrowth, excessive growth of grass, weeds, noxious plants in accordance with the Weed Control Act, R.S.O. 1990 and amendments thereto, and its regulations made thereunder.
- (c) No person shall store or allow to be stored any machinery, appliances, furniture, plumbing fixtures, vehicles, trailers or parts thereof which are in a wrecked, discharged, dismantled, partially dismantled or abandoned condition in a yard, open area of any building or on any vacant property.

4.2 ACCESSORY BUILDINGS, STRUCTURES AND FENCES:

- (a) Every person shall keep accessory buildings, structures or fences in good condition and repair. Every person shall maintain all accessory buildings, structures and fences 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.
- (b) Every person shall keep their residential, non-residential, commercial, industrial and accessory buildings in conformity with the standards set out in this by-law

and buildings or structure remaining vacant for an extended period of time shall be sufficiently secured with all windows and doors boarded to prevent entry by unauthorized persons, and shall remain boarded until such buildings shall either be:

- (i) restored to conform with the standards of this by-law, or
- (ii) demolished, or
- (iii) made exempt by a written agreement with the Council of the Corporation of the Township of Killaloe, Hagarty and Richards.

SECTION 5 – ADMINISTRATION AND ENFORCEMENT:

5.1 PROPERTY STANDARDS OFFICER:

- (a) The office of the Property Standards Officer is hereby created and the Chief Building Official and/or the By-Law Enforcement Officer, as appointed from time to time by Council, shall be the Property Standards Officer and shall be responsible for the administration and enforcement of this by-law, subject to review by Council. All Property Standards complaints shall be submitted in writing to the attention of the Property Standards Officer, and must be signed by the complainant.
- (b) The Property Standards Officer and any person acting under his/her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property, provided however, that he/she not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under Section 16-1 of the Building Code Act.
- (c) If after inspection, the Property Standards Officer is satisfied that, in any respect the property is not in keeping with the standards prescribed in this by-law, he/she shall serve or cause to be served by **personal service upon, or send by pre-paid registered mail** to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff, to have any interest therein, a notice containing particulars of the non-conformity and may at the same time, provide all occupants with a copy of such notice.
- (d) The Notice outlined in Section c above, shall also set forth the date and opportunity for a hearing with the Property Standards Officer to determine what action must be taken with respect to the building, and informing the owner that he/she or his/her representative is entitled to appear at the said hearing and make such representations and present such evidence as he/she so desires and that, in the event that he/she does not request a hearing, a decision may be made by the Property Standards Officer in his/her absence. The said notice may also contain any other information that the Property Standards Officer deems necessary.
- (e) Should the situation fail to be resolved to the satisfaction of the Property Standards Officer following the actions taken in accordance with Section 5(c)(d) of this by-law, the Property Standards Officer may make and serve or cause to be served upon or sent by prepaid **registered mail** to such person, an order containing:
 - (i) the municipal address or legal description of the property;
 - (ii) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be compliance with the terms and conditions of the order and notice that if such repairs or clearance is not done, within the time specified in the order, the municipality may carry out the repairs and clearance at the expense of the owner;
 - (iii) the final date for giving notice of appeal from that order.

- (f) A notice or an order when sent by registered mail shall be sent to the last known address of such person.
- (g) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- (h) Any order may be registered in the proper Land Registry Office, and upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was sent and when requirements of the order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Land Registry Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

5.2 PROPERTY STANDARDS COMMITTEE:

- (a) A Committee, to be known as The Property Standards Committee of the Township of Killaloe, Hagarty and Richards is hereby established in accordance with this by-law.
- (b) The Property Standards Committee of the Township of Killaloe, Hagarty and Richards shall consist of all members of Council.
- (c) Section 15.3 of the Building Code Act, S.O. 1992, c.23 as amended, provides for appeals from orders made under this by-law to the Property Standards Committee and to a Judge of the Ontario Court.
- (d) The Committee shall:
 - (i) elect a Chairperson from its members; and,
 - (ii) make provisions for a secretary of the Committee.

5.3 APPEAL:

- (a) When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he/she may appeal to the Committee by sending notice of an appeal by **registered mail** to the Secretary of the Committee within fourteen (14) days after service of the order, and in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- (b) When an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who issued the order, and may confirm, modify or rescind the order to demolish or repair, or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this by-law and of the Official Plan are maintained.
- (c) The Secretary of the Committee, in receipt of the notice of appeal referred to in Section 5.3(a), shall:
 - (i) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and,
 - (ii) give notice in writing of the date, place and time of the hearing referred to in paragraph (a) to:
 1. the appellant;

2. the officer who issued the order, and
3. any other interested persons who appeared at the hearing held pursuant to the Notice of Violation, said notice to be served **personally** or by **registered mail**.

- (d) 1. The Committee shall:
- hold the hearing referred to in Section 5.3(c) of the date, place and time set out in the notice, and;
 - have all the powers and functions of an Officer.
2. Pursuant to Section 15.6(8), and subject to Section 15.6(9) of the Building Code Act, 1992, c.23, the Committee may adopt its own rules and procedures.
 3. The applicant may appear with or without Counsel at the hearing, to present his/her appeal.
 4. The Corporation may be represented at the hearing by the Townships' solicitor, or his/her duly authorized subordinate or assistant, who is entitled to reply to the appeal presented on behalf of the applicant.
 5. The Committee may:
 - (a) confirm, modify or rescind the order to demolish or repair
 - (b) extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan of the Corporation is maintained.
 6. The Committee shall give its decision in writing.
 7. The Secretary of the Committee shall notify:
 - (a) the appellant
 - (b) the officer who issued the order, and;
 - (c) any other person who appeared at the hearing of the appeal of the decision, by causing a copy to be served **personally or by registered mail**.

5.3(e) The Municipality or any owner or any occupant or any person affected by a decision may appeal to a judge of the Ontario Court (General) Division of the judicial district in which the property is located by so notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen (14) days after sending a copy of the decision:

- (i) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and may direct in the appointment, the manner in which and upon whom the appointment is to be served.
- (ii) the appointment shall be served in the manner prescribed, and;
- (iii) the judge on such appeal has the same power and function as the Committee.

5.4 CERTIFICATE OF COMPLIANCE:

Following the inspection of the property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance, if, in his or her opinion, the property is in compliance with the standards established in this by-law. Upon issuance of a Certificate of Compliance at the request of the owner, a fee is payable in accordance with the following schedule:

- (a) a fee of \$25.00 for a residential, commercial or industrial unit.
- (b) The issuance of a Certificate of Compliance herein does not relieve the recipient from compliance with the requirements of other applicable by-laws, regulations or statutes and it does not constitute an occupancy permit under the Ontario Building Code.

5.5 POWER OF THE CORPORATION TO DEMOLISH OR REPAIR:

- (a) An order that has been deemed to have been confirmed under Section 15.3(2) of the Building Code Act, or as confirmed or modified by the Committee under Section 15.3(3) of the Building Code Act, or in the event of an appeal to a judge under Section 15.3(6) as the case may be, shall be final and binding upon the owner and occupant, who shall carry out the repair or demolition within the time and in the manner specified in the order.
- (b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with the order as confirmed or modified, in addition to all other remedies:
 - (i) the Corporation shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in and upon the property, and;
 - (ii) shall not be liable to compensate such owner, occupant or any person having an interest in the property by reason of anything done by or on behalf of the Corporation in the reasonable exercise of its power under Section 15.4(1) of the Building Code Act.
 - (iii) pursuant to Section 15.4(4) of the Building Code Act, S.O. 1992 c.23, the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collectors Roll of Taxes for the current year and shall be collected in like manner as Municipal Taxes.
- (c) Section 15.4(2) of the Building Code Act provides that, for the purpose of 15.4(1), employees or agents of the Corporation may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

5.6 PENALTIES:

- (a) Any person who fails to comply with an order which has been issued by an Officer, and/or the Property Standards Committee and/or judge, and if the order is deemed to have been confirmed, is guilty of an offence and upon conviction thereof, is liable to a penalty pursuant to Section 36 of the Building Code Act.

5.7 CONFLICTS:

Wherever a standard established by this by-law differs from a standard in relation to the same matter established by any other item of legislation in force in the Township of Killaloe, Hagarty and Richards, the standards which provides the higher degree of protection for the health, safety and welfare of the occupants and the general public, shall prevail.

- 5.8** This by-law shall come into force and shall take effect upon final passing thereof.

5.9 This By-law replaces By-Law #20-2006 of the Township of Killaloe, Hagarty and Richards.

Read a first and second time this day of , 2011.

Read a third time and finally passed this day of , 2011.

Mayor

CAO/Clerk-Treasurer

The Corporation of the Township of Killaloe, Hagarty and Richards

Part 1, Provincial Offences Act

**By-Law #34-2011
Property Standards By-Law**

ITEMS	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provisions or Defining Offence	COLUMN 3 SET FINE
1.	Fail to keep yards, parking lots, vacant properties and buildings clean and free of litter.	Section 4.1(a)	\$ 75.00
2.	Fail to keep grass, plantings and hedges on yard/vacant properties trimmed and neat.	Section 4.1(b)	\$ 50.00
3.	Fail to keep yards and vacant properties free from heavy undergrowth, excessive growth of grass, weeds and noxious plants.	Section 4.1(b)	\$ 50.00
4.	Permit or allow the storage of waste.	Section 4.1(c)	\$ 50.00
5.	Fail to keep accessory buildings, structures, or fences in good condition and repair.	Section 4.2(a)	\$50.00

NOTE: penalty provision for the offences indicated above is Section 5.6(a) of By-Law #20-2006, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.