



Property Standards By-law

By-law No. 099-2020

A By-law to prescribe standards for the maintenance and occupancy of property within the Municipality of Brighton and for prohibiting the occupancy or use of such property that does not conform with the standards contained herein

This By-law was adopted by the Council of the Municipality of Brighton on November 2, 2020.

The Corporation of the Municipality of Brighton

By-Law No. 099-2020

Being a By-law for Prescribing Standards for the Maintenance and Occupancy of all Property within the Municipality of Brighton and to Repeal By-law No. 082-2002.

Whereas under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended, 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 15.6(1) of the Building Code Act, S.O. 1992, c.23, requires that a by-law passed under Selection 15.1(3) of the Building code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

And Whereas Part XII Section 391 of the Municipal Act authorizes a Municipality to impose or charge fees for services or activities provided or done by or on behalf of it and for adding the amount of such fees to the Municipal Tax Roll;

And Whereas Section 434.1 (1) of the Municipal Act, without limiting Sections 9, 10 and 11, a Municipality may require a person, subject to such conditions as the Municipality considers appropriate, to pay an administrative penalty if the Municipality is satisfied that the person has failed to comply with a by-law of the Municipality passed under this Act.

Now Therefore the Council of the Corporation of the Municipality of Brighton hereby enacts as follows:

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1. Definitions

“Accessory Building” Means a separate building or structure, the use of which is customarily incidental, subordinate and exclusively devoted to a main use or main building located on the same lot. A temporary building or structure such as but not necessarily limited to temporary garages, temporary vehicle enclosures and tarpaulin garages shall be considered to be an accessory building;

“Approved” means, as applied to 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 other authority designated by law to give approval to the matter in question;

“Balustrade” means a row of balusters or spindles surmounted by a railing;

“Bathroom” means a room containing at least a toilet and bathtub or shower, or two (2) rooms that contain a total of at least one toilet and one bathtub or one shower;

“Basement” means 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 ceiling, above the adjacent finished grade level adjacent to the exterior walls of the building;

“Building” means;

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure,
- (d) a sewage system, or
- (e) structures designated in the building code; (“bâtiment”)

“Cellar” means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to ceiling, below the adjacent finished grade;

“Corporation” means the Corporation of the Municipality of Brighton;

“Commercial motor vehicle” means a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway;

“Dwelling” means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or could be intended to be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit;

“Dwelling Unit” means a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside;

“Fence” shall mean a structure erected as a barrier, enclosure or demarcation outside a building envelope and shall include a privacy screen;

“Fire Resistance Rating” means the time in minutes or hours that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived from that test and performance as prescribed in the Ontario Building Code;

“Guard” means a protective barrier, with or without openings through it, that is around openings in floors or at the open side of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another;

“Ground Cover” means organic or non-organic materials applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

“Habitable Room” means a room designed for living, sleeping, eating or food preparation including a den, library, sewing-room or enclosed sunroom;

“Heritage Property” means a building or structure, or part of a building or structure including 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, [Part IV Heritage Properties and Part V Heritage Properties.]

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Maintenance” means the preservation and keeping in good repair of a property;

“Mechanically Fit Vehicle” means a vehicle that is presently mechanically lawfully permitted to be driven on a roadway;

“Municipality” means the Corporation of the Municipality of Brighton;

“Non-Residential Property” means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences or erection thereon or therein;

“Notice” means a Notice of Non-Compliance served by an officer pursuant to this by-law;

“Occupancy” means the use or intended use of building or part thereof for the shelter or support of person, animals or property;

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

“Officer” means a Property Standards Officer appointed by the Corporation to administer and enforce this by-law;

“Ontario Building Code Act” means the Ontario Building Code Act, 1992 S.O. 1992, Chapter 23, as amended;

“Ontario Building Code” means the Ontario Building Code ;

“Owner” means;

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

“Person” means an individual, association, partnership, corporation, government body or an agent or employee of such a person;

“Plumbing and Plumbing 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 connection to water, gas, sewerage, or vent pipes;

“Premises” means that portion of real property which is owned by a specific person and includes all buildings and structures thereon;

“Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

“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 a by-law passed under this section;

“Sewage” means any liquid, solid or gas containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, but does not include storm water or uncontaminated water;

“Sewage Works” means any works for the collection, transmission, treatment or disposal of sewage and contaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992, S.O. 1992, c. 23, applies;

“Standards” means the standard for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this by-law;

“Storm Water” means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;

“Sub-Standard” means a quality less than that required by this by-law;

“Temporary Structure” means a structure constructed of poles with a fabric covering, and is not permanently affixed to the ground and includes temporary vehicle enclosures and tarpaulin garages;

“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;

“Vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

“Yard” means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted;

“Zoning By-law” means the Municipality of Brighton Comprehensive Zoning By-law 140-2002 as amended.

2.0 Maintenance of Yards, Accessory Buildings and Structures

2.1 General

- (a) General Directive: All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code and Fire Code where applicable.
- (b) Property owners who have entered into an agreement under the Planning Act, R.S.O. 1990, c. P.13. with the Municipality shall adhere to on-site and off-site maintenance obligations and requirements as may be specified within such agreements.
- (c) Every yard including vacant lots shall be kept clean and free from:
 - i. holes, pits, excavations or trenches constituting a safety or health hazard;
 - ii. dilapidated, collapsed or partially constructed structures;
 - iii. injurious insects, termites, rodents, vermin or other pests; and
 - iv. Storage or stockpiling of wood, stone, rock or other materials, unless accessory to a permitted and expedited construction project, permitted through the Municipality’s Comprehensive Zoning By-law, or as a personal home use.
- (d) Nothing contained herein shall be deemed to prevent an antique car, being a motor vehicle more than 20 years old, from being stored on any property for restoration purposed provided it is housed in a building.
- (e) No owner or occupant of land shall fail to keep a yard free from wrecked, dismantled, inoperative or unlicensed vehicles, trailers or other machinery or any part thereof and waste and refuse of any kind.
- (f) An owner or occupant may keep one (1) unlicensed vehicle, if

- i. the vehicle is mechanically fit and operative;
 - ii. not used for the purposes of storage of materials; and
 - iii. the vehicle is not a commercial vehicle stored on a residential property as defined in the Zoning By-Law.
- (g) Every fence shall be kept;
- i. protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such material; and
 - ii. in a structurally sound condition; and
 - iii. free from objectionable markings, painted slogans, stains or other defacement; and,
 - iv. in good repair and free of accident hazard.

2.2 Trees and Shrubs

No person shall have, plant, grow, maintain or permit on his property any fence, hedge, shrub, or plant or tree which does or may:

- (a) obstruct the safety of the public; or
- (b) affect the safety of vehicular or pedestrian traffic; or
- (c) constitute an obstruction of view for vehicular traffic; or
- (d) wholly or partially conceal or interfere with the use of any hydrant or water valve; or
- (e) overhang or encroach upon any sidewalk or pavement or travelled portion of any street or highway, so as to interfere with the function of the sidewalk or highway.

2.3 Sewage and Drainage

- (a) Sewage or organic waste shall be discharged into the municipal sanitary sewage system where such a system exists or shall dispose of in a manner acceptable to the applicable legislation as amended.
- (b) Storm water shall be drained from the property so as to prevent excessive ponding or the entrance of water into a basement or cellar.
- (c) Exterior property areas shall be graded and maintained to prevent ponding of water. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.
- (d) All yards and exterior property areas shall be cultivated or protected with suitable ground cover to prevent erosion of the soil.
- (e) No person shall cause water from roof drainage or sump pump to be discharge onto any roadway, sidewalk, stairs, ramp, neighboring private or public property, or into any sanitary sewer or underground storm sewer.
- (f) No person shall change the grade of any property, by filling or excavating, which affects the natural stormwater drainage of the

property or adjacent properties without the prior written approval of the Corporation.

- (g) No person shall install, alter, relay or repair a private stormwater or groundwater drain that discharges onto a neighboring property or into a municipal storm sewer, creek or roadside drainage ditch without the prior written approval of the Corporation.
- (h) Effluent generated through non-residential activities shall not be discharged into a septic system designed and approved for residential uses. Discharge of non-domestic effluent into a septic system that has been designed for domestic or residential uses shall be deemed to be a contaminate or hazard.

2.4 Parking Area, Walks and Driveways

- (a) All areas used for vehicular traffic and parking but not driveways shall have a surface covering of asphalt, concrete, interlocking stone, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- (b) Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

2.5 Accessory Buildings, Fences, Temporary Structures and Other Structures

- (a) Accessory buildings and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- (b) Accessory buildings and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.
- (c) Temporary storage structures or temporary garage structures are prohibited except:
 - i) through an approved Temporary Use by-law;
 - ii) if erected prior to October 15th of the current year and removed by April 15th of the following year. The removal of the temporary structure or garage shall include the entire structure.
- (d) Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- (e) Fence heights shall be no higher than 1.8 metres for residential areas.
- (f) Fence heights shall be no higher than 4 metres high in industrial and commercial areas.
- (g) All exterior exposed surfaces of accessory buildings or structures shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration, or be of a condition which is acceptable to the Municipality.

2.6 Garbage Disposal

- (a) All garbage and refuse shall be promptly placed in the suitable container and made available for removal in accordance with the County of Northumberland Waste Collection By-law. Such

receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

- (b) Where private containerized garbage pick up is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

2.7 Compost Heaps

The occupant of a residential property may provide for a compost heap in accordance with the applicable legislation as amended, provided that the compost pile is no larger than two (2) square metres and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting. Larger compost heaps may be considered for non-residential properties.

3.0 Residential Standards

3.1 General Conditions

- (a) Every owner, or occupant of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with the Municipal and County by-laws.
- (b) Every owner, or occupant of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- (c) Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.

3.2 Pest Prevention

- (a) Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- (b) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

3.3 Structural Soundness

- (a) Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.
- (b) Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- (c) Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints, and floors.

- (d) Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

3.4 Fire Damage

- (a) In the event of fire, measures shall be taken as soon as possible to make the damaged residence unit or residence building compatible with its environment and intended use. Without restricting the generality of the foregoing, such measures shall include:
 - i. making the residence building or residence unit or accessory building or structure safe;
 - ii. cleaning any smoke or water damaged surfaces exposed to view;
 - iii. refinishing such exposed surfaces so as to be in harmony with adjoining undamaged surfaces and the general environment; and,
 - iv. repairing of fire damaged surfaces exposed to view.
- (b) In the event of the exterior surface becoming damaged or marked by water or smoke or by other natural causes, appropriate action shall be taken to restore or renew the affected surface.

3.5 Exterior Walls

- (a) Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (b) Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

3.6 Windows and Doors

- (a) Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- (b) In a dwelling unit all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- (c) Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.
- (d) All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- (e) Solid core doors shall be provided for all entrances to dwellings units and hallways for reasons of security, fire separation, noise barrier and heat loss.

- (f) In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- (g) Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.7 Roofs

- (a) Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (b) Accumulations of ice or snow or both shall be promptly removed from the roofs of dwellings and accessory buildings.
- (c) Where eavestroughing, roof gutters, are provided it shall be kept in good repair, free from obstructions and properly secured to the building.

3.8 Walls, Ceilings, and Floors

- (a) Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- (b) Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- (c) Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

3.9 Stairs, Porches and Balconies

- (a) Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

3.10 Guardrails and Balustrades

- (a) A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

3.11 Kitchens

- (a) Every dwelling shall contain a kitchen area equipped with:

- i. a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- ii. suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- iii. a counter or work area at least 0.61 m (2 ft) in width by 1.22 m (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- iv. space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

3.12 Toilet and Bathroom Facilities

- (a) Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- (b) Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- (c) Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.
- (d) All appropriate plumbing fixtures shall be provided with an adequate supply of potable hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110°F).
- (e) All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances there to shall be protected from freezing. All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- (f) Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defect that may harbour germs or impede thorough cleansing.

3.13 Electrical Service

- (a) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- (b) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- (c) Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided.

- (d) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- (e) Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

3.14 Heating, Heating Systems, Chimneys and Vents

- (a) Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- (b) All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- (c) Where a heating system or part thereof that requires solid or liquid fuel to operate a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- (d) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- (e) All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- (f) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- (g) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

3.15 Fire Escapes, Alarms and Detectors

- (a) A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- (b) In addition to the provisions of article 3.15.1 hereof, in every dwelling unit in a building, a listed products of combustion detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a

hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall:

- i. be equipped with visual or audio indication that they are in operating condition; and,
 - ii. be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- (c) Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

3.16 Egress

- (a) Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- (b) Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 metres, (42 x 22 inches) with a sill height of not more than 0.914 metres, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

3.17 Natural Light

- (a) Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to, and not less, than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

3.18 Ventilation

- (a) Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- (b) All system of mechanical ventilation shall be maintain in good working order.
- (c) All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.
- (d) No equipment shall be operated in part or whole of a building so as to permit the abundance of airborne moisture supportive of the growth of indoor mould.

3.19 Elevating Devices

- (a) Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems

shall be operational and maintained in good condition and inspected as required by the Elevating Devices Act.

3.20 Disconnecting Utilities

- (a) Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building 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.

3.21 Occupancy Standards

- (a) The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (96.88 sq. ft.) of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.
- (b) No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres (75.35 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person. Bedrooms within residential dwelling units shall be occupied by no more than two (2) persons over the age of twelve (12).
- (c) Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
 - i. each habitable room shall comply with all the requirements set out in this by-law;
 - ii. floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - iii. each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code;
 - iv. access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.
- (d) A non-habitable room shall not be used as a habitable room.
- (e) No kitchen shall be used as a bedroom.
- (f) The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- (g) Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches).
- (h) For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.

- (i) no basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a. access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b. each habitable room shall comply with all the requirements for ingress, egress, light, ventilation and ceiling height set out in this Bylaw;
 - c. floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water;
- (j) the maximum number of occupants within a dwelling that is being operated as short-term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons.
- (k) where a dwelling unit is serviced by an on-site sewage system, the number of bedrooms or sleeping areas shall not exceed the design capacity of the sewage system.
- (l) Where personal use (medical) cannabis is grown in a home, no more than 10% of the gross floor area of the home shall be devoted to such growing.

4.0 Vacant Lands and Buildings

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

4.1 Vacant Lands

- (a) Vacant land shall be maintained to the standards as described in 2.1 and 2.2 of this by-law.
- (b) Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

4.2 Vacant Buildings

- (a) Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- (b) The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood in a colour compatible with the surrounding walls and securely fastened

5.0 Non-Residential Property Standards

5.1 General Conditions

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

- (b) The yards of non-residential property shall be maintained to the standards as described in Section 2 of this by-law.
- (c) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair. This provision shall not apply to areas covered by a Site Plan Control Agreement.

5.2 Parking Areas and Driveways

- (a) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- (b) Areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

5.3 Structural Soundness

- (a) Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- (b) Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

5.4 Exterior Walls

- (a) Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (b) Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

5.5 Guardrail and Balustrades

- (a) A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

5.6 Lighting

- (a) All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

6.0 Administration and Enforcement

General Conditions

- (a) This by-law shall apply to all property within the limits of the Corporation.
- (b) The imperial measurements contained in this by-law are given for reference only.

6.1 Officers

- (a) The Council of the Municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law. Inspection and Enforcement Procedural Guidelines are included as Schedule 'C' to this by-law.
- (b) An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.
- (c) An officer or any person acting under his/her instructions shall 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 21 of the Building Code Act.
- (d) No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- (e) No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

6.2 Notice of Non-Compliance

- (a) If, after an initial inspection, the officer is satisfied that in some respect, the property does not conform to the standards prescribed in the by-law, he or she shall serve or cause to be served by personal service upon or send by prepaid *Registered Mail* to the owner of the property and all who have interest therein a Notice of Non-Compliance containing particulars of the non-conformity and may at the same time provide all occupants with a copy of such Notice.
- (b) The Notice shall state that the property does not comply with the standard prescribed by the by-law and shall specify the standards with which the property does not comply.
- (c) The Notice shall state that after a certain date to be specified in the Notice of Non-Compliance by the Officer, the property will be subject to a re-inspection, at which time the officer may issue an Order under Section 6.4 of this by-law.

- (d) The Notice shall state that the officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the by-law.

6.3 Order to Comply

- (a) At any reasonable time, on or after the date specified in the Notice of Non-Compliance given under Section 6.3 where an Officer finds that the property does not conform with any of the standards prescribed in this by-law, the Officer may issue an Order:
 - i. stating the municipal address or the legal description of such property;
 - ii. giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - iii. indicating the time for complying with the Terms and Conditions of the Order and giving 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; and
 - iv. indicating the final date for giving Notice of Appeal from the Order.
- (b) An Order issued in accordance with Article 6.4 shall be served on the owner of the property and such other persons affected by it as the officer determines. It shall be served personally or by *Registered Mail* sent to the last known address of the person to whom the Order is being given.
- (c) If the Officer is unable to effect service under article 6.4(b), he/she 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 as sufficient service of the Notice or Order on the owner or other persons.

6.4 Registration of Order

- (a) An Order made under Section 6.4(a) may be registered in the proper Land Registry Office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under Section 6.4(a) and, when the 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 the Order.

6.5 Certificate of Compliance Charges

- (a) The Corporation may charge a fee (set in Schedule 'A') for inspection and administration services, and a Certificate of Compliance issued under Section 15.5(3) of the Building Code.

6.6 Property Standards Committee

Persons appealing orders by the Officer under this By-law shall be heard by the Municipality's Property Standards Committee.

6.7 Appeal of Order

- (a) When the owner or occupant upon whom an Order has been served in accordance with Article 6.4(a) is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by *Registered Mail* to the Secretary of the Committee, within fourteen days after service of

the Order. In the event that 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 authority functions of the Officer and may confirm, modify, or quash the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the by-law and of the Official Plan or policy statement are maintained.
- (c) If any party is dissatisfied with the decision of the Property Standards Committee, an appeal can be made to the Appeal Court of Ontario, as per Section 15.3 (4),(5),(6), and (7) of the Building Code Act.

6.8 Penalty

- (a) No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality in addition to other remedies,
 - i. 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
 - ii. shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this article;
 - iii. may cause a prosecution to be brought against any person who is in breach of such an Order and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the Building Code Act, SO. 1992, c.23, as amended.
- (b) An Administrative Monetary Penalty may be issued if a person fails to comply with any section of this By-Law. An invoice will be issued and after thirty (30) days of non-payment, the amount owing will be added to the property taxes of the property in violation.

6.9 Validity

- (a) In the event any Court of competent jurisdiction declares any section or provision of this By-law to be invalid, or to be of no force and effect for any cause, such section or provision thereof shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or provision thereof had not been included herein.
- (b) Where a provision of this By-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

7. This By-law may be cited as “The Property Standards By-law”.

8. Repeal of Existing By-Law

- (a) By-law No. 082-2002 and its amendments are hereby repealed.

This By-law will come into force and effect with the final reading and passing of the By-law.

Read a first, second time and third time, and finally passed this 2nd day of November, 2020.

Original signed by:

Brian Ostrander, Mayor

Original signed by:

Candice Doiron, Clerk

Schedule 'A' To By-Law No. 099-2020
Fees For the Inspection of Property, As Per
Requests Made Under the Property Standards By-Law

- Certificate of Compliance \$400.00
- Inspection of Property Fee \$50.00
- Administrative Monetary Penalty Fee \$250.00
- No fees shall be charged for exterior inspections of property made by the Property Standards Officer that is carried out at the request of Council.
- Fees for the Inspection of Property shall be paid by the appropriate party as determined by the Property Standards Officer, in accordance with the agreement in Schedule 'B' of this by-law.
- Certificate of Compliance may include the cost of:
 - a) holding a Hearing with the Committee;
 - b) issuing a Certificate of Compliance;
- Additional costs may result from:
 - a) Administrative Fees
 - b) Registration of an Order on Title
 - c) Costs for court hearings and proceedings.

**Schedule 'B' To By-Law No. 099-2020
Property Standards Complaint Form**

I, _____ (please print name), am lodging a formal complaint under By-law xxx-2020, the Property Standards By-law, about the property at:

(Street No.) (Street) (Apartment #)

The complaint(s) include, but are not restricted to the follow:

I, the undersigned request that the property listed above be inspected by the Property Standards Officer(s) of the Municipality of Brighton, to take whatever action necessary under By-law xxx-2020.

I, the undersigned agree, that if the Property Standards Officer(s) upon inspection of the property above determine that this complaint is frivolous and vexatious in manner, and/or the conditions are so minor as not to constitute any action under this by-law, I agree to pay the fee for the Inspection of Property (as set out in Schedule 'A', By-law xxx-2020).

I, the undersigned also agree and understand, that if the complaint is valid, and does constitute action under By-law xxx-2020, that any fees to be paid in relation to this complaint, as listed in the by-law, will be paid by the owner of the property. Owner of the property is determined in the definitions of By-law xxx-2020.

This complaint was made by, and hereby understand and agree to the above agreement:

(print name) (sign)

(Street No.) (Street) (Apartment #)

(Mailing Address) (Postal Code)

Witnessed by the following employee of the Municipality of Brighton:

(print name) (sign)

on this _____ day of _____, _____.
(day) (month) (year)

Schedule 'C' To By-Law No. 099-2020
Inspection and Enforcement Procedural Guidelines

This by-law shall be administered and enforced by the Property Standards Officer based on the following guidelines.

1.0 Yards and Exterior Wall & Site Features

- 1.1 Inspection and enforcement, if required, shall be carried out on a routine basis for specific property, or properties as directed by Council.
- 1.2 General inspection and enforcement, if required, shall be conducted on a routine basis of all streets and neighbourhoods within the limits of the Corporation.
- 1.3 A specific property will be inspected upon receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.

2.0 Interior Areas of Dwelling Units

- 2.1 A specific property will be inspected upon a receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.
- 2.2 All interior inspections will require a minimum of two Municipality Staff to be present.

Schedule 'D' To By-Law No. 099-2020

**Notice of Appeal
To Property Standards Committee
Ontario Building Code Act, S.O. 1992, Chapter 23**

Date: _____

To the Secretary
Property Standards Appeal Committee
Corporation of the Municipality of Brighton
67 Sharp Road, P.O. Box 250
Brighton, ON, K0K 1H0

RE: Order to Remedy Violation of Standards of Maintenance and Occupancy at:

Description and Location of Property in Violation:

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned

on _____, _____, _____.
(day) (month) (year)

Name (Owner or Agent): _____

Address: _____

Telephone Number: (_____) _____

Appeal to Property Standards Committee

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending a **Notice Of Appeal** by *Registered Mail* to the Secretary of the Committee within fourteen days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

Corporation of the Municipality of Brighton.