



# The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 186-08

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**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE  
TOWN OF FORT ERIE AND TO REPEAL BY-LAW NO. 183-98**

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**WHEREAS** under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, 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** the Official Plan for The Town of Fort Erie 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 Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23* shall provide for the establishment of a Property Standards Committee,

**NOW THEREFORE** the Municipal Council of the Corporation of Town of Fort Erie enacts as follows:

## **1.0** **DEFINITIONS**

The following terms are defined for the purposes of this by-law:

**"accessory building"** means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property;

**"apartment building"** means a building containing more than four dwelling units with individual access from an internal corridor system;

**"approved"** means acceptance by the Property Standards Officer;

**"basement"** means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade;

**"cellar"** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade;

**"currently under construction"** if the construction of the building or structure has, in the opinion of the Property Standards Officer, been substantially discontinued for a period of more than 90 days;

**"debris"** means any material whatsoever capable of holding water and without limiting the generality of the foregoing includes tires, cars, boats, containers of any kind and garden fixtures;

**"derelict vehicle"** means a used vehicle or the body or chassis of a used vehicle that

(a) is not in an operating condition and is rusted, wrecked or partly wrecked or is

dismantled or partly dismantled; and

- (b) is not insured and registered under the *Highway Traffic Act, R.S.O. 1990, c.H.8* and does not have a current, valid license plate attached to it; and,
- (c) has been entirely or partially located outside of a building for more than 30 days;

**"dwelling"** means 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;

**"dwelling unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities;

**"first storey"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;

**"guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;

**"habitable room"** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes;

**"means of egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building;

**"multiple dwelling"** means a building containing three or more dwelling units;

**"non-habitable room"** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law;

**"non-residential property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein;

**"operating condition"**, in relation to a vehicle, means that it is capable of being driven on a highway in compliance with the *Highway Traffic Act, R.S.O.1990, c. H. 8*;

**"owner"** means a registered owner, but also includes an occupant, lessee, tenant or any other person in charge of or in control of premises;

**"person"** means an Owner who may be a natural person, firm, corporation, partnership or association.

“**refuse**” includes :

- (a) debris, junk, rubbish, or effluent belonging to or associated with a house or household or any industry, trade or business, and without limiting the foregoing, all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements;
- (b) wrecked, dismantled, partially dismantled, inoperative, discarded or abandoned machinery, trailers, boats, or vehicles and parts or accessories thereof;
- (c) accumulations of broken concrete or asphalt pavement, brick or stone pavers, sidewalk slabs, rubble, inert fill and used building materials;
- (d) waste lumber, construction and demolition wastes;
- (e) indoor furniture, dilapidated outdoor furniture, household appliances and electronic equipment;
- (f) furnaces, furnace parts, ducting, plumbing, pipes, fittings to pipes, water or fuel tanks, cables, wire or wire fencing;
- (g) wrecked, dismantled, partially dismantled, inoperative, discarded or abandoned mechanical equipment, mechanical parts, accessories, or adjuncts to the piping, tubing, conduits or cable;
- (h) containers of any size, type or composition;
- (i) organic waste, other than organic waste placed in a composting container;
- (j) sewage;
- (k) ashes;
- (l) animal excrement;
- (m) any article, product or goods of manufacture that by reason of its state, condition or excessive accumulation:
  - (i) has been cast aside, discharged or abandoned, or
  - (ii) is disused from its usual and intended use, or
  - (iii) is used up, in whole or in part, or expanded or worn out, in whole or in part.

**"residential property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard;

**"rooming house"** has the meaning prescribed in the Town's Comprehensive Zoning By-law;

**"standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-Law;

"toilet room" means a room containing a toilet and washbasin;

"yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

## 2.0 GENERAL OBLIGATIONS

- 2.1 No owner or occupant shall use or occupy or permit to be used or occupied any property that does not conform to the standards for maintenance and occupancy prescribed for property in this By-law.
- 2.2 The owner of any property which does not conform to the standards as set out in this By-law shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.
- 2.3 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, Ontario Fire Code and the Electrical Safety Code where applicable.

## 3.0 STANDARDS FOR LOT MAINTENANCE AND ACCESSORY BUILDINGS AND STRUCTURES – ALL PROPERTIES

- 3.1 Every yard, including vacant lots shall be kept clean and free from:
  - (i) refuse or derelict vehicles unless it is necessarily incidental to the normal operation of an industrial or commercial enterprise lawfully operating on the property;
  - (ii) long grass, brush, undergrowth and weeds greater than 20 centimetres (6 inches) in height;
  - (iii) dilapidated, collapsed or partially constructed structures which are not currently under construction;
  - (iv) injurious insects, termites, rodents, vermin or other pests; and
  - (v) dead, decayed or damaged trees or other natural growth.
- 3.2 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 unobstructive 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.

### **3.3 Surface Conditions**

Surface conditions of yards shall be maintained so as to:

- (i) prevent ponding of storm water;
- (ii) prevent instability or erosion of soil;
- (iii) prevent surface water run-off from entering basements;
- (iv) not exhibit an unsightly appearance;
- (v) be kept free of garbage and refuse;

### **3.4 Sewage and Drainage**

- (1) Sewage shall be discharged into the sewage system in accordance with applicable laws.
- (2) Sewage of any kind shall not be discharged onto the surface of the ground, whether into natural or artificial surface drainage system or otherwise.
- (3) Roof drainage shall not be discharged onto entranceways, walkways, sidewalks, stairs, or adjacent property.

### **3.5 Parking Areas and Walkways**

- (1) 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.
- (2) 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.

### **3.6 Accessory Buildings, Fences, and other Structures**

- (1) Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- (2) Accessory buildings, fences, 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.

### **3.7 Garbage Disposal**

- (1) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. 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.

- (2) All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.
- (3) Garbage storage areas shall be screened from public view.

### **3.8 Compost Heaps**

The occupant of a residential property may provide for a compost heap in accordance with any applicable health regulations, provided that the compost pile is no larger than one square metre 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.

## **4.0 BUILDING STANDARDS – ALL PROPERTIES**

- 4.1 (1) 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 level 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.
- (2) Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

### **4.2 Exterior Walls**

- (1) Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, 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.
- (2) Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **4.3 Guardrails**

A guard 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") between adjacent levels. A handrail shall be installed and maintained good repair in all stairwells. Guardrails shall be installed and maintained good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

#### 4.4 Lighting

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.

### 5.0 STANDARDS FOR RESIDENTIAL OCCUPANCY

The standards prescribed in this section apply to apartment buildings, dwellings and rooming houses.

#### 5.1 General Conditions

- (1) Every tenant, or occupant or lessee 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 municipal by-laws.
- (2) Every tenant, or occupant or lessee 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.
- (3) Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

#### 5.2 Pest Prevention

- (1) Dwellings shall be kept free of rodents and vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990, c.P11.
- (2) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

#### 5.3 Structural Soundness

- (1) 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 level of safety as required by the Ontario Building Code.
- (2) Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

#### 5.4 Foundations

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, where necessary, at the footings,

grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.

### **5.5 Exterior Walls**

- (1) 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.
- (2) Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **5.6 Windows and Doors**

- (1) 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.
- (2) 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.
- (3) Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- (4) 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.
- (5) 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.

### **5.7 Roofs**

- (1) Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (2) Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.



### 5.8 Walls, Ceilings and Floors

- (1) 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.
- (2) 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.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

### 5.9 Stairs, Porches and Balconies

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.

### 5.10 Guardrails

A guard 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") between adjacent levels. 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, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### 5.11 Kitchens

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; and
- (ii) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

### 5.12 Toilet and Bathroom Facilities

- (1) Every dwelling unit shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every toilet shall have a suitable supply of running water.
- (2) 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.

- (3) Where toilet or bathroom facilities are shared by occupants which are provided from a common passageway, hallway, corridor or other common space, the toilet facilities shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

### **5.13 Plumbing**

- (1) Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water.
- (2) Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- (3) 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 thereto shall be protected from freezing.
- (4) All plumbing fixtures shall be connected to the sewerage system through water seal traps.

### **5.14 Electrical Service**

- (1) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- (2) 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 Electrical Safety Code.
- (3) Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (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. Extension cords shall not be used on a permanent basis.
- (4) 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.
- (5) Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

### **5.15 Heating, Heating Systems, Chimneys and Vents**

- (1) Every dwelling and building containing a residential dwelling unit or

units 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 unit to the required standard.

- (2) All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by any applicable legislation.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

#### **5.16 Fire Escapes, Alarms and Detectors**

- (1) 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 (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- (2) In addition in every dwelling unit in a building, a listed smoke alarm, 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 shall be:

- (i) equipped with visual or audio indication that they are in operating condition;
  - (ii) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- (3) 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 open able window or door.

#### **5.17 Egress**

- (1) 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.
- (2) Each dwelling containing more than one dwelling unit shall have at least two (2) 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 559 mm, (42 x 22 inches) with a sill height of not more that 914mm, (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.

#### **5.18 Natural Light**

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 not less than ten percent of the floor area for living an dining rooms and five percent of the floor area for bedrooms and other finished rooms.

#### **5.19 Ventilation**

- (1) Every habitable room in a dwelling unit, including kitchens, bathroom 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.
- (2) All system of mechanical ventilation shall be maintained in good working order.
- (3) All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

### 5.20 Elevating Devices

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.

### 5.21 Disconnected Utilities

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.

### 5.22 Occupancy Standards

- (1) The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 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 (7 ft.) shall not be considered.
- (2) No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- (3) 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 service rooms 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 service room.

## 6.0 VACANT BUILDINGS

- 6.1 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.
- 6.2 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 securely fastened to the building and painted a colour compatible with the surrounding walls.

## 7.0 ADMINISTRATION AND ENFORCEMENT

### 7.1 Short Title

The short title for this By-law is the “Property Standards By-Law”.

### 7.2 Scope

- (1) This By-law prescribes the maintenance and occupancy standards for the purpose of Section 15.1 of the *Building Code Act, S.O. 1992, c.23*.
- (2) This By-law applies to all property in the Town of Fort Erie unless otherwise indicated herein.
- (3) The By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, from carrying out a normal farm practice.

### 7.3 Enforcement

- (1) The Council of the Town of Fort Erie shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law and to carry out the duties assigned to officers under the *Building Code Act*.
- (2) Any Regional Health Inspector or Fire Prevention Officer or Building Inspector of the municipality is hereby authorized and directed to act as an assistant to the Property Standards Officer as required from time to time.
- (3) The administration and enforcement of this By-law shall be pursuant to the provisions of the *Building Code Act*.
- (4) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under the *Building Code Act* so as to provide for:
  - (a) repair of the property; or
  - (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition, where the estimated cost of doing the work does not exceed \$20,000.
- (5) Where the cost of doing the work exceeds \$20,000, the Property Standards Officer shall seek the authorization of Council to carry out the requirements of the order.

### 7.4 Certificate of Compliance

Upon request and payment of a fee in the amount of \$200.00 and following an

inspection of the property the Officer shall issue to an Owner a certificate respecting the Property's compliance or non-compliance with the provisions of this By-law.

#### **7.5 Measurements**

Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only and are approximate.

#### **7.6 Property Standards Committee**

- (1) A Committee to be known as the Property Standards Committee of the Town of Fort Erie is hereby continued.
- (2) The Committee shall be composed of 5 members appointed by Council, to hold office for such term, at such compensation and upon such conditions as Council may from time to time by by-law determine.
- (3) A majority of the members shall constitute a quorum.
- (4) The Town Clerk shall provide for a secretary to the Committee who shall keep records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- (5) The Property Standards Committee shall operate under and carry out its responsibilities in accordance with the provisions of the *Building Code Act*.
- (6) A person who appeals an Order made pursuant to the *Building Code Act* shall submit a notice of appeal in the time frame and the manner as prescribed in the Act. The secretary of the Committee, in receipt of a notice of appeal shall, determine the date, place and time of the hearing of the appeal, and give notice in writing of the date, place and time of the hearing to the appellant and the Officer who issued the order.

#### **7.7 Penalty**

- (1) An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under section 36(1) of the *Building Code Act* and is liable to a penalty or penalties as set out in section 36 of that Act.
- (2) If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or as modified by the Property Standards Committee or a Judge, the Town of Fort Erie may cause the property to be repaired or demolished accordingly, and shall be entitled to recover the expense incurred in going any demolition or repair as municipal real property taxes.

#### **7.8 Validity**

- (1) This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or any other authority having jurisdiction to make such restrictions or regulations.

- (2) Where a provision of this By-law conflicts with the provision of another by-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

**7.9 Transitional Rules**

After the date of the passing this By-law, By-Law No. 183-98, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

**7.10 Repeal**

By-law No. 183-98 is hereby repealed.

**7.11** Pursuant to the provisions of Section 23.1 to 23.5 of the *Municipal Act 2001* the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the By-law and schedules as may be necessary after the passage of this By-law.

**7.12** This By-law comes into force and effect on January 01, 2009.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF DECEMBER, 2008.**

  
 \_\_\_\_\_  
**MAYOR**

  
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**CLERK**

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 186-08 of the said Town. Given under my hand and the seal of the said Corporation this day of \_\_\_\_\_, 2008.

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