

**TOWN OF MIDLAND
BY-LAW 2002-81**

A By-law to regulate property maintenance and occupancy standards in the Town of Midland and to repeal By-law 75-72 and amending By-laws 78-23, 82-24 and 99-27

WHEREAS under Section 15.1(3) of the Ontario Building Code Act, S.O. 1992, c.23, provided that 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 the property conditions;

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

AND WHEREAS the Official Plan for The Corporation of the Town of Midland includes provisions relating to property conditions;

AND WHEREAS Council reviewed By-law 75-72 and amending By-laws 78-23, 82-24 and 99-27 and deems it expedient to establish new maintenance and occupancy standards of property in the Town of Midland;

NOW THEREFORE THE MUNICIPAL COUNCIL FOR THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

In this By-law:

- 1.01 “accessory building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 “approved” means acceptance by the Property Standards Officer.
- 1.03 “balustrade” means a row of balusters or spindles surmounted by a railing.
- 1.04 “basement” means that space of a building that is partly or entirely below grade.
- 1.05 “bathroom” means a room containing at least one sink, one toilet and one bathtub or shower, or two rooms, which contain in total at least one sink, one toilet and one bathtub or shower.
- 1.06 “building” means any structure used or intended to shelter any use or occupancy.

- 1.07 “committee” means the Property Standards Committee of the Town of Midland.
- 1.08 “compost heap” means a collection of organic materials such as leaves, grass cuttings and garden wastes and is characterized by the ability to compost.
- 1.09 “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 and includes a building that would be or would be intended to be used for such purposes except for its state of disrepair.
- 1.10 “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.
- 1.11 “exit” means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- 1.12 “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 feet) above grade.
- 1.13 “floor area” means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.
- 1.14 “grade” means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.15 “guardrail” 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.
- 1.16 “habitable room” means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.17 “injurious” means injurious in the opinion of the Property Standards Officer of the Town of Midland.
- 1.18 “maintenance” means the preservation and keeping in repair of a property.
- 1.19 “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.

- 1.20 “multiple dwelling” means a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of the Condominium Act or as a Co-operative.
- 1.21 “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.
- 1.22 “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 and therein.
- 1.23 “noxious weeds” means any weed classed as noxious by the Noxious Weeds Act.
- 1.24 “nuisance” means an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- 1.25 “occupancy” means the use of intended use of a building or part thereof for the shelter or support of persons, animals or chattels.
- 1.26 “occupant” means any person or persons over the age of eighteen years in possession or control of the property.
- 1.27 “Officer” means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- 1.28 “owner” means the person for the time being managing or receiving the rent or paying the municipal taxes on the land or premises in connection with which the word is used, whether on his/her own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

- 1.29 “parking area” means any parking lot, area or space appurtenant to any multiple dwelling structure specifically set aside or designated for the purpose of parking tenants’ or visitors’ motor vehicles.
- 1.30 “person” means an individual, firm, corporation, association or partnership.
- 1.31 “plumbing fixture” means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water liquids or sanitary sewage directly into drainage piping.
- 1.32 “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, out-buildings, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant property and land.
- 1.33 “repair” means the provision of such facilities and the making of additions or alterations, or the taking of such action as may be required, so that the property shall conform to the standards prescribed by this By-law. All repairs shall be made in conformity with the latest edition of the Ontario Building Code, the Ontario Electric Safety Code and the Fire Code.
- 1.34 “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 thereto and all stairways, walkways, driveways, parking spaces, outbuildings and fences associated with the dwelling or its yard, whether heretofore or hereafter erected and includes vacant residential property.
- 1.35 “sanitary unit” means a water closet, urinal or bidet.
- 1.36 “service room” means a room provided in a building to contain equipment associated with building services.
- 1.37 “sewage” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm water runoff.
- 1.38 “sewage system” means the municipal sanitary sewage system, or a private sewage disposal system having a design capacity of 10,000 litres per day or less and approved by the Chief Building Official of the Town of Midland.
- 1.39 “sign” means any surface upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity or services, and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses, and

includes flags, banners, advertising devices and any object intended for advertisement purposes.

- 1.40 “standards” means the standards for maintenance and improvement of physical condition and for fitness for occupancy prescribed for property by this By-law.
- 1.41 “storage facility” means the standards for maintenance and improvement of physical condition and for fitness for occupancy prescribed for property by this By-law.
- 1.42 “storey” means the portion of a building which is situated between the top of any floor and the top of the floor next about it, and if there is not floor above it, that portion between the top of such floor and the ceiling above it.
- 1.43 “toilet room” means a room containing a sanitary unit.
- 1.44 “Town” means The Corporation of the Town of Midland.
- 1.45 “vacant land” means a lot or land where no buildings exist.
- 1.46 “yard” means the land other than publicly owned land around or appurtenant to the whole of any part of a residential, non-residential or vacant property and used or capable of being used in connection with the property.

PART 2 – GENERAL STANDARDS FOR ALL PROPERTIES

APPLICATION

- 2.01 The provisions of this By-law shall apply to all property within the limits of the Town of Midland.
- 2.02 The requirements of this By-law are set out in metric measurements. The imperial measurements contained in this By-law are given for reference only.

DUTY TO REPAIR AND MAINTAIN PROPERTY

- 2.03 The owner or the purchaser, under an agreement of sale, shall repair and maintain the property in accordance with the standards prescribed in this By-law to the satisfaction of the Officer.
- 2.04 Notwithstanding Article 2.03 hereof, where the maintenance of any property is by written terms of a lease or by an agreement for occupancy, the responsibility of the occupant, the Officer may, at his/her discretion, require such occupant to repair and maintain the property in accordance with the standards prescribed in this By-law to the satisfaction of the Officer.

- 2.05 Without limiting the generality of Article 2.04 hereof, the owner or occupant, as the case may be, for that part of the premises occupied or controlled, shall:
- (1) limit its occupancy to the maximum permitted by this By-law;
 - (2) maintain it in a clean, sanitary and safe condition;
 - (3) maintain all plumbing, refrigeration fixtures, mechanical apparatus and storage facilities in a clean and sanitary condition and provide reasonable care in the operation and use thereof;
 - (4) maintain a safe, continuous and unobstructed exit from the interior of the building to the exterior at the street or grade level;
 - (5) dispose of garbage and refuse and waste into receptacles in a clean and sanitary manner, in accordance with the provisions established in this By-law;
 - (6) exterminate insects, rodents and other pests;
 - (7) maintain yards in a clean, sanitary, and safe condition and free from infestation insofar as to the extent of the yard that is controlled.
- 2.06 No person shall occupy, or rent to another for occupancy, any property that does not comply with the regulations of this By-law.
- 2.07 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner and workmanship acceptable to the minimum standards within the trades concerned. All new construction or repairs shall conform to the latest edition of the Ontario Building Code, the Ontario Electric Safety Code and the Fire Code where applicable.

YARDS

- 2.08 Every yard shall be kept clean and free from:
- (1) rubbish or debris and objects or conditions that may create a health, fire, environmental peril, or accident hazards;
 - (2) any machinery, vehicle, including a trailer or a boat, which is in a wrecked, dismantled, discarded or abandoned condition, that does not bear a current and valid license and registration, unless it is necessary for the operation of a business enterprise lawfully situated on private property, provided such property is so arranged as to prevent any unsafe or unsightly condition out of character with abutting properties;

- (3) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (4) injurious insects, termites, rodents, vermin or other pests;
- (5) dead, decayed or damaged trees or other natural growth.

SURFACE CONDITIONS

2.09 Surface conditions of yards shall be maintained so as to:

- (1) prevent instability or erosion of soil;
- (2) prevent surface water run-off from entering basements;
- (3) not exhibit an unsightly appearance;
- (4) be kept free of garbage and refuse;
- (5) be kept free of deep ruts and holes;
- (6) provide for safe passage under normal use and weather conditions, day or night;
- (7) not to create stormwater runoff to other property;
- (8) not to create a nuisance to other property.

LANDSCAPING

2.10 Landscaping conditions of yards shall provide:

- (1) suitable buffering by hedges, planting, trees, screen fencing or other landscaping, shall be provided by the owner of any non-residential land use, which abuts, or occupies land with frontage on a street opposite any residential land use. Such landscaping shall be maintained in a satisfactory condition or shall be replaced with equivalent landscaping, so as to carry out its intended function and maintain an attractive appearance.
- (2) Suitable groundcover shall be provided to prevent erosion of the soil. Where grass forms a part of the groundcover, and such grass has died or been killed, such dead areas shall be resodded or reseeded as often as required so as to restore the grass to a living condition.

SEWAGE AND DRAINAGE

- 2.11 Sewage or organic waste shall be discharged into a sewage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.
- 2.12 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.13 Roof drainage shall not be discharged on sidewalks, stairs, or adjacent property.
- 2.14 Storm water shall be drained from the yard so as to prevent excessive ponding or the recurrent entrance of water into a basement.
- 2.15 Sump pumps shall not be discharged into Municipal sewers or private sewer systems.
- 2.16 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways.
- 2.17 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.18 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking paving stones, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 2.19 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.

GARBAGE DISPOSAL

- 2.20 Every building, dwelling, and dwelling unit shall have 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, and shall be maintained in a clean and odour free condition at all times.
- 2.21 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Municipal Solid Waste Management By-law where applicable.

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- 2.22 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition, in good repair and free from health, fire and accident hazards.
- 2.23 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.
- 2.24 Where an accessory building, fence or other structure, is not maintained in accordance with these standards, it shall be removed from the yard.

FIRE DAMAGE

- 2.25 A building or structure damaged by fire, storm or by other causes shall be demolished or repair.
- 2.26 Where a building or structure is damaged by fire storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be completed.
- 2.27 Defacement by smoke or by other causes on the exterior wall and surface of the building or structure, or of the remaining parts of the building or structure, shall be removed and the defaced area refinished in a workmanlike manner.

COMPOST HEAPS

- 2.28 A compost heap may be provided with the health regulations, provided that the compost heap 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 45 gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting and shall be no closer than 1.22 metres (4.0 feet) from any abutting property.

STAGNANT WATER

- 2.29 Pools and Ponds

All swimming pools, wading pools and ponds and any appurtenances, including fences and gates thereto shall be maintained in good repair, free from leaks and free from health and safety hazards. Operational equipment for swimming pools, wading pools and ponds shall be provided and maintained in good working order, in good repair and in a safe condition. This does not refer to Storm Water Management Ponds.

2.30 Stagnant Water

All swimming pools, wading pools and ponds shall be kept clean of stagnant water and any such areas that are unkempt or unused shall be drained of all water found therein. This does not refer to Storm Water Management Ponds.

PART 3 – SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

GENERAL CONDITIONS

- 3.01 Every owner, tenant, 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.
- 3.02 Every owner, tenant, 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.
- 3.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

YARDS

- 3.04 The yards of non-residential properties shall be maintained to the standards as described in Part 2, Article 2.08 of this By-law.

PEST PREVENTION

- 3.05 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.
- 3.06 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

STRUCTURAL SOUNDNESS

- 3.07 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 weight load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 3.08 All exterior surfaces shall be of materials that provide adequate protection from the weather.

- 3.09 Walls, roofs, and other exterior parts of a building shall be free from loose, rotten, warped and broken materials and objects, or improperly secured objects or materials. Such materials and objects shall be removed, repaired or replaced.
- 3.10 Foundation walls, and basement, or crawl-space floors, 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.
- 3.11 Every basement and crawl space in a building shall be adequately drained.
- 3.12 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.
- 3.13 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.
- 3.14 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

DAMPNESS

- 3.15 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a basement or crawl-space.

WINDOWS AND DOORS

- 3.16 Windows, doors, skylights, and basement or basement hatchways shall be maintained in good repair, weather tight and reasonably draft-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 re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.17 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.

- 3.18 Sold core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.19 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.
- 3.20 Every window in a leased dwelling unit that is located above the first storey of any 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 by an adult without the use of tools during an emergency situation.

ROOFS

- 3.21 Roofs of dwellings and the components including fascia board, soffit, cornice and flashing, shall be maintained in a weather tight condition, free from loose or unsecured objects or materials, so as to prevent the leakage of water into the building.
- 3.22 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 3.23 Where eavestroughs, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

WALLS, CEILINGS AND FLOORS

- 3.24 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.
- 3.25 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.
- 3.26 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.

STAIRS, PORCHES AND BALCONIES

- 3.27 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.

GUARDRAILS

3.28 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 inches) 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.

KITCHENS

3.29 Every dwelling shall contain a kitchen area equipped with:

- (1) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (2) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (3) a counter or work area at least 610 mm (2 feet) in width by 1,220 mm (4 feet) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (4) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connection; and
- (5) there shall be at least 750 mm (30 inches) clear space above any exposed cooking surface.

TOILET AND BATHROOM FACILITIES

3.30 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, 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 water closet shall have a suitable supply of running water.

3.31 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.

3.32 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, and shall be provided with a door capable of being locked so as to allow privacy for the persons using said room.

PLUMBING

- 3.33 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (220°F).
- 3.34 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.35 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.
- 3.36 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.37 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 defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 3.38 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.39 The electrical wiring, fixtures, switches, receptacle, 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 latest edition of the Ontario Electric Safety Code.
- 3.40 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.41 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.42 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.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.43 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 20 Degrees Celsius 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.
- 3.44 No room heater shall be placed so as to cause a fire hazard to walls, curtains or furniture, and no such heater shall impede the free movement of persons within the room where the heater is located.
- 3.45 All fuel burning appliances, equipment, and accessories in a dwelling unit shall be installed and maintained to the standards provided in the latest edition of the Fire Code., the Ontario Building Code and the Canadian Standards Association.
- 3.46 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 hazards.
- 3.47 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 latest edition of the Ontario Building Code.
- 3.48 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.
- 3.49 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.
- 3.50 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.

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.51 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.

- 3.52 In addition to the provisions of Article 3.51 hereof, 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:
- (1) equipped with visual or audio indication that they are in operating condition;
 - (2) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- 3.53 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.
- 3.54 All fire escapes, alarms and detectors shall be maintained in good working order.

MEANS OF EGRESS

- 3.55 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.
- 3.56 There shall be a secondary means of egress from every dwelling unit, located on each floor above the second floor and for two (2) or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.
- 3.57 The means of egress and fire warning devices shall be to the satisfaction of the Town of Midland Fire Department.
- 3.58 Each dwelling containing more than one (1) 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 window that meets the latest edition of the Ontario Building Code regulations. 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.

NATURAL LIGHT

- 3.59 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 and dining rooms and five percent of the floor area for bedrooms and other finished rooms.
- 3.60 All public halls and stairways in multiple dwellings, or in non-residential buildings, shall be illuminated so as to provide safe passage during any time when such halls or stairways are accessible for public use.

VENTILATION

- 3.61 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 square feet), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- 3.62 All systems of mechanical ventilation shall be maintained in good working order.
- 3.63 All enclosed areas including easements, basements, crawl spaces and attics or roof spaces shall be adequately ventilated.

ELEVATING DEVICES

- 3.64 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.

DISCONNECTED UTILITIES

- 3.65 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.

PART 4—SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

DUTIES OF OWNERS AND OCCUPANTS

- 4.01 Every owner and every occupant in that part of non-residential property that he/she occupies or controls, shall maintain the property:
- (1) in a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - (2) free from objects or conditions, which are health, fire or accident hazards;
 - (3) free from rodents, vermin and injurious insects.

YARDS

- 4.02 The yards of non-residential properties shall be maintained to the standards as described in Part 2, Article 2.08 of this By-law.
- 4.03 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 feet) in height and maintained in good repair.

PARKING AREAS AND DRIVEWAYS

- 4.04 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 abutting residential properties shall have parking lot and driveway surface coverings of asphalt or similar hard surface.
- 4.05 All 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.

STRUCTURAL SOUNDNESS

- 4.06 Every part of a non-residential 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.

- 4.07 Walls, roofs, and other exterior parts of a non-residential building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

- 4.08 Exterior walls of a non-residential 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.
- 4.09 Exterior walls of a non-residential building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

GUARDRAILS

- 4.10 Guard rails shall be installed and maintained to the standards as described in Part 3, Article 3.28 of this By-law.

LIGHTING

- 4.11 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.

PART 5 – VACANT LANDS AND BUILDINGS

VACANT LANDS

- 5.01 Vacant land shall be maintained to the standards as described in Part 2, Article 2.08 of this By-law.
- 5.02 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

VACANT BUILDINGS

- 5.03 Vacant buildings shall be kept cleared of all garbage, rubbish and debris, injurious insects, rodents, vermin or other pests, 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.

- 5.04 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.

DUTY TO REPAIR AND MAINTAIN PROPERTY

- 5.05 All repairs and maintenance to 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.

PART 6 – ADMINISTRATION AND ENFORCEMENT

PROPERTY STANDARDS COMMITTEE

- 6.01 A Property Standards Committee, hereinafter referred to as the Committee, is hereby established consisting of three members qualified as electors within the Municipality and may include members of Council.
- 6.02 Members of the Committee shall hold office for one year from the first day in January.
- 6.03 Members of the Committee shall be paid such compensation as the Council of the Town of Midland may provide.
- 6.04 The Committee shall elect the Chairman and Vice-Chairman of the Committee, and the Town of Midland shall make provision for a Secretary to the Committee, and any member of the Committee may administer oaths.
- 6.05 The secretary shall keep on file minutes and records of all applications and decisions thereon and of all other official business of the Committee.

OFFICERS

- 6.06 The Council of the Town of Midland shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.
- 6.07 Any building, housing, plumbing, heating or other public health inspector, fire prevention officer, or Municipal Law Enforcement Officer, of the Town is hereby authorized and directed to act as an assistant to the Officer from time to time.

DEMOLITION OR REPAIR BY THE CORPORATION

- 6.08 The order as deemed to have been confirmed by the Officer, or as confirmed or modified by the Committee or, in the event of an appeal to the Judge, as confirmed or

modified by the Judge, shall be final and binding upon the owners and occupant who shall make the repair or effect the demolition within the time and in the manner specified in such order.

- 6.09 If the owner or occupant of any property fails to demolish or repair such property in accordance with an order as confirmed or modified pursuant to this By-law, the Corporation of the Town of Midland, in addition to all other remedies:
- (1) shall have the right to demolish or repair such property and, for this purpose with its servants and agents from time to time, to enter in and upon the property, provided that the said Corporation shall not demolish any dwelling without first obtaining approval of the Council of the Town of Midland;
 - (2) shall apply the costs of such repairs or demolition, if not otherwise paid by the owner, to the Collector's Roll of Taxes for the current year; and such costs shall be collected in like manner as taxes; and
 - (3) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the said Corporation under provisions of this By-law.

INSPECTION OF PROPERTY

- 6.10 The Property Standards Officer and any person acting under his/her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property, provided however that he/she shall not enter any room or place actually used as a dwelling without the consent of the occupant except under the authority of a search warrant issued in accordance with the Provincial Offences Act.

COMPLIANCE

- 6.11 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 leveled and graded condition.

INTERPRETATION

- 6.12 The requirements of this By-law are set out in metric measurements. Imperial measurements in this By-law are provided for convenience only.
- 6.13 Where a provision of this By-law conflicts with a provision of any other By-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

VALIDITY

6.14 If any provision of this By-law is for any reason held to be invalid by any reason by a court of competent jurisdiction, the remaining articles shall remain in effect until repealed.

EFFECTIVE DATE

6.15 This By-law shall come into force and take effect on the final passage thereof.

TRANSITIONAL RULES

6.16 After the date of the passing of this By-law, By-law 75-72, 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.

REPEAL OF BY-LAWS

6.17 By-law 75-72, By-laws 78-23, 82-24 and By-law 99-27 are hereby repealed.

TITLE

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

By-law read a first, second and third time, and finally passed at a meeting of the Municipal Council of The Corporation of the Town of Midland on this Twenty-eight day of October, 2002.

Mayor

Clerk