

CORPORATION OF THE TOWNSHIP OF HOWICK

BY-LAW NO. 23 – 2010

A by-law prescribing standards for the maintenance and occupancy of property within the Township of Howick; for prohibiting the occupancy or use of such property that does not conform with the standards; for requiring property that does not conform with the standards to be repaired and maintained, or to be cleared of buildings, structures, debris or refuse.

WHEREAS the *Ontario Building Code Act, S.O. 1992, C.23, Section 15.1(3)* provides that a municipal Council may pass a by-law to prescribe standards for the maintenance and occupancy of property within the municipality, and for prohibiting the occupancy or use of property that does not conform with said standards, and for requiring property that does not conform to be repaired and maintained or to be cleared of all buildings, structures, debris or refuse;

AND WHEREAS the Council of the Township of Howick deems it necessary and expedient to pass such a by-law, pursuant to the *Ontario Building Code Act, S.O. 1992, C.23, Section 15.1*, and in accordance with *Howick Township Official Plan, Section 6.3* to establish minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future development in the Township of Howick;

NOW THEREFORE the Council of the Township of Howick enacts as follows:

PART I - DEFINITIONS

- 1.1 “**Accessory Building**” means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 1.2 “**Approved**” means acceptance by the Property Standards Officer.
- 1.3 “**Committee**” means the Property Standards Committee of the Township of Howick duly appointed by Township Council
- 1.4 “**Corporation**” means the Corporation of the Township of Howick
- 1.5 “**Garbage/Debris/Refuse/Rubbish**” means food waste and/or unwanted or unused material.
- 1.6 “**Guard**” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, landing, balcony, mezzanine, gallery, 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.
- 1.7 “**Habitable Room**” means any room in a dwelling unit used for, or capable of being used for, living, cooking, sleeping or eating purposes.
- 1.8 “**Long Grass**” means grass or brush exceeding 8 inches (20cm) in an urban area.
- 1.9 “**Means of Egress**” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved area of refuge usually located outside the building.

- 1.10 **“Non-habitable Room”** means any room in a dwelling unit other than a habitable room, including bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service or maintenance of the dwelling.
- 1.11 **“Noxious”** means any thing that causes or is likely to cause:
- a) impairment of the quality of the natural environment;
 - b) harm or material discomfort to any person;
 - c) injury or damage to property, or to animal or plant life;
 - d) any adverse effect to the health or safety of any person;
 - e) any nuisance or offensive or objectionable situation or condition.
- 1.10 **“Occupancy”** means the use or intended use of a building or structure for the shelter or support of persons, animals or property.
- 1.11 **“Occupant”** means any person or persons over the age of 18 years in possession of the property.
- 1.12 **“Owner”** includes:
- 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 so receive the rent if such land and premises were let, and
 - b) a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 1.13 **“Property”** means a building or structure, or part thereof, 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 also includes vacant land.
- 1.14 **“Repair”** includes the provision of facilities, the making of additions or alterations, or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by-law.
- 1.15 **“Structure”** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil thereon.
- 1.16 **“Suite”** means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms as well as individual stores.
- 1.17 **“Unsafe”** 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.
- 1.18 **“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.

PART II - GENERAL STANDARDS FOR ALL PROPERTY

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 *Fire Prevention Act* where applicable.

The *Ontario Building Code* shall be used as the guide for determining structural adequacy. The following sections apply to 'farm buildings' only when they are specifically included in the section. The *Canadian Farm Building Code* shall be used as a guide in determining the structural adequacy of farm buildings.

2.1 YARDS

Every yard, including vacant lots, shall be kept clean and free from:

- 1) rubbish or debris, and objects or conditions that may create a health, fire or accident hazard;
- 2) vehicles, machinery, trailers, boats, etc. that are wrecked, dismantled, discarded, derelict, unlicensed (not displaying required current year licence), inoperative or abandoned, unless necessary for the operation of a business enterprise lawfully situated on the property;
- 3) long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
- 4) dilapidated, collapsed or partially constructed structures that are not currently under construction;
- 5) injurious insects, termites, rodents, vermin or other pests;
- 6) dead, decayed and/or damaged trees.

2.2 SURFACE CONDITIONS

Surface conditions of yards shall be maintained so as to:

- 1) prevent ponding of storm water;
- 2) prevent surface water run-off from entering basements;
- 3) be kept free of garbage and refuse;
- 4) be kept free of deep ruts and holes;
- 5) provide for safe passage under normal use and weather conditions day or night;
- 6) not create a nuisance to other property.

2.3 SEWAGE AND DRAINAGE

- 1) Sewage shall be discharged into a sewage system.
- 2) No sewage of any kind shall be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 3) Roof drainage shall not be discharged onto sidewalks, stairs or adjacent property.

2.4 PARKING AREAS, WALKS AND DRIVEWAYS

- 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 and free of debris and litter.
- 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.

2.5 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.

2.6 GARBAGE DISPOSAL

- 1) Every building, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse, waste that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover, and shall be maintained in a clean, odour-free condition at all times.
- 2) Every non-residential building shall be provided with sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.
- 3) Garbage storage areas shall be screened from public view.

2.7 COMPOST

- 1) The occupant of residential property may provide for a compost container in accordance with health regulations, provided that the compost container 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 is a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

PART III - RESIDENTIAL STANDARDS

3.1 GENERAL CONDITIONS

- 1) Every tenant, or occupant, or lessee of a residential property shall maintain the property and land which they occupy or control in a safe, clean and sanitary condition and shall dispose of garbage and debris on a regular basis.
- 2) Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a safe, clean and sanitary condition.
- 3) Accumulation or storage of furniture, appliances, refuse or garbage in a means of egress shall not be permitted.

3.2 PEST PREVENTION

- 1) Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for extermination of such pests shall be in accordance with the provisions of the *Pesticides Act*.

3.3 STRUCTURAL SOUNDNESS

- 1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use.

3.4 FOUNDATIONS

- 1) The foundation walls and floor of the basement, cellar or crawl space of a building shall be structurally sound and maintained in good repair so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of walls to prevent settling, installing sub-soil drains at the footings where necessary, grouting masonry cracks, damp-proofing and waterproofing walls, joints and floors.
- 2) The basement, cellar or crawl space in a building shall be adequately drained.
- 3) 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.

3.5 EXTERIOR WALLS

- 1) The exterior walls, parapet walls and components thereof of all dwellings shall be maintained in good repair, weather-tight, free from loose or unsecured objects and materials, and in a manner and condition which prevents deterioration due to natural influences.
- 2) Maintenance of exterior walls shall include:
 - a) the application of paint or material to preserve all exterior wood and metal work;
 - b) the restoration, repair or replacement of the wall, bricks and mortar, stucco, shingles or cladding, the coping, the flashing, and the water-proofing and caulking of the wall and joints.
- 3) Exterior walls and components thereof of a dwelling shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

3.6 ROOF

- 1) Every building and farm building shall have a sound and tight roof adequate to carry the load imposed thereon.
- 2) The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in weather-tight condition so as to prevent leakage of water into the building.
- 3) Maintenance shall include:
 - a) repairing the roof and flashing, applying waterproof coating, venting, installing or repairing eavestrough and rain water pipes;
 - b) eavestroughing and down pipes kept in good repair, free from obstructions, and properly secured to the building.

3.7 DOORS AND WINDOWS

- 1) Doors, windows, skylights, and basement or cellar hatchways shall be maintained in good repair, reasonably draft free and weather-tight.
- 2) Maintenance may include painting, repairing, renewing, refitting or replacing damaged, decayed or deteriorated doors, door frames, casings, thresholds; window sashes, frames, casings; screens and weather stripping; defective or missing door and window hardware; re-glazing or other suitable means of weatherproofing.
- 3) Solid core doors shall be provided for all entrances to dwelling units.

- 4) In a dwelling unit, all windows that are intended to open and all exterior doors shall have suitable hardware to allow locking or otherwise securing from inside the dwelling. at least one entrance door shall have suitable hardware to permit locking or securing from either inside or outside the dwelling.
- 5) In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system, said system shall be maintained in good working order at all times.
- 6) In a leased dwelling unit, every window 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 opening greater than would permit passage of a 100 mm diameter (3.9") sphere. Such safety device shall not prevent the window from being fully opened in an emergency situation by an adult without the use of tools.
- 7) Nothing in this section shall cause to prevent doors, windows and other openings of unoccupied buildings from being protected from damage or unauthorized entry. Materials used for protection shall have an application of paint, varnish or other acceptable preservative on the exterior.

3.8 STAIRS, PORCHES AND BALCONIES

- 1) Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of holes, cracks and defects which may constitute a hazard.
- 2) Maintenance shall include repairing or replacing treads and risers that are broken, warped, loose, show excessive wear, or are otherwise defective; repairing or replacing supporting structural members that show rot or deterioration; and painting or coating with a preservative unless constructed of a material inherently resistant to deterioration.

3.9 GUARDRAILS

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

3.10 KITCHENS

In dwelling units where a pressurized water system is installed, the kitchen area in the unit shall be 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 ft) in width by 1,220 mm (4 ft) in length,
- 4) a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections.

3.11 TOILET AND BATHROOM FACILITIES

- 1) In dwelling units where a pressurized water system is installed, the bathroom area shall consist of at least one fully operational water closet, washbasin, and 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.
- 2) Every required bathroom shall be accessible from within the dwelling unit, shall be fully enclosed and provided with a door capable of being locked for privacy.

3.12 PLUMBING

- 1) In dwelling units where a pressurized water system is installed, each washbasin, 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 (110° F).
- 2) The 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.
- 4) All water pipes and appurtenances thereto shall be protected from freezing.
- 5) All plumbing fixtures shall be connected to a sewerage system through water seal traps.
- 6) Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all part 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.

3.13 ELECTRICAL SERVICE

- 1) In dwelling units where electrical service is available and installed, the unit shall be wired for electricity and connected to an approved electrical supply system.
- 2) The electrical wiring, fixtures, switches, receptacles and appliances located or used in 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.
- 3) Every habitable room in a dwelling shall have at least one duplex electrical 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 the 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.

3.14 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS

- 1) Every dwelling and building containing residential dwelling units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21° 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 in the *Energy Act*, as amended, or other applicable legislation.
- 3) Every dwelling unit 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*.
- 4) 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.
- 5) Every chimney, smoke pipe, vent and flue shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering a dwelling. Maintenance includes removing obstructions, sealing joints, and repairing loose or broken masonry.
- 6) Every chimney, smoke pipe, vent and flue shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperature.

3.15 FIRE ESCAPES, ALARMS, DETECTORS

- 1) The owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, shall provide a listed fire alarm and fire detection system approved by the Canadian Standards Association or Underwriters Laboratories of Canada. 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 to the above, the occupant of a dwelling unit shall install an approved alarm or detector between the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving the bedrooms. Such alarm must be audible within bedrooms when intervening doors are closed, and shall be equipped with visual or audio indication that they are in operating condition, and shall be mounted on the ceiling or on a wall no more than 152.4 – 304.8 mm (6” – 12”) 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 openable window or door.

3.16 **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 dwelling units 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 or which may be common, or one common and the other an exterior stair or fire escape. Access to the stair 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") with a sill height of not more than 914 mm (36") above the inside floor.
- 3) 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 where access to such exit is not through a room that is not under the immediate control of the occupants of the dwelling unit.

3.17 **NATURAL LIGHT**

- 1) 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.

3.18 **VENTILATION**

- 1) 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 provides hourly air exchanges.
- 2) The 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.

3.19 **ELEVATING DEVICES**

- 1) Elevators and 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.

3.20 **UTILITIES DISCONNECTED**

- 1) Owners of residential buildings, or any person(s) 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

- 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 a 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:
 - a. each habitable room shall comply with all requirements set out in this by-law;
 - b. floors and walls shall be constructed so as to be damp-proof and impervious to leakage;
 - c. each habitable room shall be separated from service rooms by suitable fire separation and approved under the *Ontario Building Code*;
 - d. access to each habitable room shall be gained without passage through a service room;

PART IV - VACANT LAND AND BUILDINGS

4.1 VACANT LANDS

- 1) Vacant land shall be maintained to the standards herein described in *Part II, Article 2.1*.
- 2) Vacant land shall be graded, filled or otherwise drained to prevent recurrent ponding.

4.2 VACANT BUILDINGS

- 1) Vacant buildings shall be kept clear of garbage, rubbish and debris.
- 2) Vacant buildings 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.
- 3) 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 weatherproof sheet plywood at least 12.7 mm (0.5") securely fastened to the building and painted a colour compatible with the surrounding walls.

PART V - NON-RESIDENTIAL PROPERTY STANDARDS

5.1 YARDS

- 1) The yards of non-residential property shall be maintained to the standards herein described in *Part II, Article 2.1*.
- 2) The warehousing or storage of materials or operative equipment, 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 to provide unobstructed access for emergency vehicles.
- 3) Where conditions are neat and orderly but still offensive to view, the offensive area shall

be suitably enclosed by a solid wall or painted board or metal fence not less than 1.8 metres (6 ft) in height, which shall be maintained in good repair.

5.2 PARKING AREAS AND DRIVEWAYS

- 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, clean and free of litter.
- 2) Notwithstanding the foregoing, non-residential properties which abut residential properties shall have a surface covering of asphalt or similar hard surface on areas used for vehicular traffic and parking.
- 3) 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.

5.3 STRUCTURAL SOUNDNESS

- 1) Every part of a building 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, roof, and other exterior parts of a building or structure shall be free from loose or improperly secured materials or objects.

5.4 EXTERIOR WALLS

- 1) Exterior walls of a building or structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair, free from cracked, broken or loose masonry, stucco, and other defective cladding or trim. Paint or other suitable preservative or coating must be applied and maintained to prevent deterioration due to weather, insects or other causes.
- 2) Exterior walls of a building or structure and their components shall be free of unauthorized signs, painted slogans, graffiti or similar defacements.

5.5 GUARDRAILS

- 1) 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 of a height of 600 mm (24") between adjacent levels.
- 2) A handrail shall be installed and maintained in good repair in all stairwells.
- 3) Guardrails shall be installed and maintained in good repair around all landings, porches and balconies.
- 4) Guardrails, balustrades and handrails shall be constructed and maintained in a rigid nature.

5.6 LIGHTING

- 1) Where electrical service is available and installed, 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.
- 2) Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

PART VI - ADMINISTRATION AND ENFORCEMENT

6.1 PROPERTY STANDARDS COMMITTEE

- 1) Council of the Corporation of the Township of Howick shall, by by-law, appoint no fewer than three (3) persons of the municipality to the 'Property Standards Committee' for a term concurrent with the term of Council. Said by-law shall prescribe the remuneration to be paid to such Committee members.

6.2 PROPERTY STANDARDS OFFICER

- 1) Council of the Corporation of the Township of Howick shall appoint a 'Property Standards Officer' to be responsible for the administration and enforcement of the provisions of this by-law in accordance with the *Ontario Building Code Act, S.O. 1992, C.23, Section 15.2*.

6.3 ORDER TO REMEDY AND COMPLY

- 1) Whereas an Officer finds that a property does not conform with any of the standards prescribed in this bylaw, the Officer may make an Order to Remedy (See Schedules A-D attached) stating the nature of the infraction or violation and outlining the steps to be taken in order for the infraction or violation to be rectified.
- 2) The notice referred to in Article 6.3.1 may be either personally delivered to the owner, faxed to the last known facsimile number of the owner, or mailed by regular mail to the last known address of the owner. Service of the notice shall be deemed to have been given either upon the personal service of the notice, upon written or verbal confirmation by the owner of the receipt of the faxed notice or, in the instance of service by regular mail, five days following the date of mailing.
- 3) If the Officer is unable to effect service under Article 6.3.2 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 person.
- 4) In the event that the notice contemplated in Article 6.3.1 of this Bylaw has been served upon a property owner in accordance with Section 6.3.2 or 6.3.3 such notice will serve to be a notice requiring compliance with this Bylaw for the entire calendar year.

6.4 REGISTRATION OF ORDER

1) An Order made under Article 6.3.1 may be registered in the proper Land Registry Office and upon such registration, any person acquiring an interest in the land subsequent to registration of the Order shall be deemed to have served under Article 6.3.1 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 PENALTY

1) If an order of an Officer made under section 6.3.1 is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a Judge, the municipality may cause the property to be repaired or demolished accordingly. The municipality shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to municipal real property taxes and be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

2) An owner who fails to comply with an Order by an Officer under this By-law is guilty of an offence under *Section 36(1) of the Building Code Act, S.O. 1992, C.23*, and/or *Section 12 (Fire Code) of the Fire Protection and Prevention Act, S.O. 1997 c.4*, and is liable to penalty or penalties as set out in those Acts.

3) An owner who fails to comply with a confirmed order may, as a result of such non compliance, be charged applicable Service or Activity Fees as set out in Schedule 'A' hereto attached.

6.6 APPEAL

1) Where 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 to Property Standards Committee' (Form 3) 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 deemed to have been confirmed. The Notice of Appeal shall be accompanied by payment, in the form of a certified cheque or a money order, of the prescribed fee as set out in Schedule 'A' hereto attached.

PART VII - CERTIFICATE OF COMPLIANCE

7.1 OFFICER – ON REQUEST – ISSUE CERTIFICATE

Following the inspection of a property, the Officer on request of the owner shall issue to the owner a certificate of compliance, if in his or her opinion, the property is in compliance with the standards of the Property Standards Bylaw passed under Section 15.1 of the Building Code Act.

7.2 FEE PAYABLE – CERTIFICATE OF COMPLIANCE

A fee, in the amount prescribed by Schedule 'A' to this bylaw, shall be payable to the Municipality prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner.

PART VIII - VALIDITY

8.1 VALIDITY

- 1) If an article of this by-law is for any reason held to be invalid, the remaining articles shall continue in effect until amended or repealed.
- 2) Where a provision of this by-law conflicts with the provisions 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.

8.2 TITLE

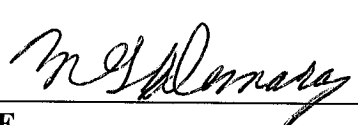
This by-law shall be cited as the "*PROPERTY STANDARDS BY-LAW*" for the Township of Howick.

8.3. ENACTMENT

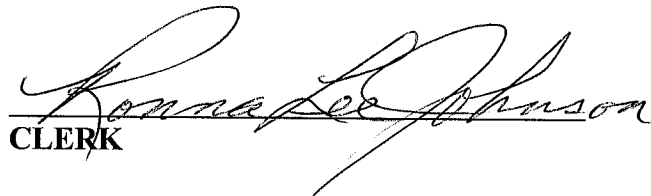
By-Law No. 09-2007 previously enacted for this purpose is hereby repealed, and shall be replaced by this by-law, which shall come into force and effect upon the final passing thereof.

READ A FIRST AND SECOND THIS 7th DAY OF SEPTEMBER, 2010

READ A THIRD TIME AND FINALLY PASSED THIS 7th DAY OF SEPTEMBER, 2010



REEVE



CLERK

SCHEDULE 'A'
Of By-Law No. 23 - 2010

PROPERTY STANDARDS FEE SCHEDULE

SERVICE AND ACTIVITY CHARGES

Issuance of Certificate of Compliance

FEE

Residential Units	\$50.00
Non-Residential Units	\$75.00
Vacant Lots	\$50.00

Appeal of Property Standards Order

Appeal of Order to Property Standards Committee	\$150.00
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Where Order not quashed on appeal:

- | | |
|---|------------------|
| a) Charge for each subsequent Order issued | \$100.00 |
| b) Charge for each Officer who attends hearings | \$25.00 per hour |

Inspections Where Owner Fails to Comply with Order

Charge for each subsequent inspection necessitated by the non-compliance of the original Order	\$75.00
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Remedial Work Undertaken by Township

Charges for costs of work undertaken	100% of costs
Administrative Fee for work undertaken	15% of costs