

# THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

## BY-LAW 2018 - 054

### A BY-LAW PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE MUNICIPALITY IN THE TOWNSHIP OF LAKE OF BAYS

#### (Property Standards and for the Maintenance of Land in a Clean Clear and Safe Condition)

WHEREAS, pursuant to Section 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23 (hereinafter referred to as the "Building Code Act"), authorizes the passing of a by-law prescribing standards for maintenance and occupancy of property;

AND WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS pursuant to Section 11(2) of the Municipal Act, a municipality may pass by-laws respecting the environmental well-being of the municipality, the health, safety and well-being of the persons and the protection of persons and property;

AND WHEREAS Section 446(1) of the Municipal Act, a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446(3) of the Municipal Act, a municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS The Township of Lake of Bays has an Official Plan, which includes provisions relating to property conditions;

AND WHEREAS The Council of the Corporation of the Township of Lake of Bays deems it necessary and in the public interest to enact a by-law prescribing standards for the maintenance and occupancy of property within the Township;

#### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:**

##### **1. STATUTORY REFERENCE**

Any reference in this By-law to a statutory provision is a reference to the statute of that name in effect in the Province of Ontario or the Country of Canada as amended from time to time.

##### **2. DEFINITIONS**

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



- 2.2 **“Accessory Use”** means a use customarily incidental to, subordinate to and exclusively devoted to a principal use and located on the same lot therewith.
- 2.3 **“Apartment Building”** means a building containing more than four dwelling units with individual access from an internal corridor system;
- 2.4 **“Approved”** means acceptance by the Property Standards Officer;
- 2.5 **“Approved Sewage System”** means the municipal sanitary sewage system or a private sewage disposal system approved by the Ministry of Environment or the Chief Building Official.
- 2.6 **“Building”** means a structure consisting of a wall, roof, or any one or more of these which is used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, goods or materials, but shall not include a lawful boundary wall or fence. For the purposes of this By-law;
- a) a deck or a dock shall be included within the meaning of the term “building”; and
  - b) the word “structure” shall mean the same as building;
- 2.7 **“Building Code”** and **“Code”** means the regulations made under Section 34 of the Building Code Act;
- 2.8 **“Building Inspector”** means an Inspector appointed under Section 3 of the Building Code Act and having jurisdiction for the enforcement of the Building Code Act, the Building Code and this By-law;
- 2.9 **“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;
- 2.10 **“Chief Building Official”** means Chief Building Official appointed under Section 3 of the Building Code Act and having jurisdiction for the enforcement thereof. A Chief Building Official is deemed to also be a Building Inspector in accordance with the Building Code Act;
- 2.11 **“Compost”** means the natural decomposition of organic materials to produce humus in a compost container, pile or digester;
- 2.12 **“Crawl Space”** means a space beneath a floor assembly and the ground, with a clearance less than 1.8m in height;
- 2.13 **“Committee”** means a Property Standards Committee established under Section 15.6 of the Building Code Act;
- 2.14 **“Derelict Motor”** means any unlicensed vehicle or any vehicle having missing parts, including: tires, damaged or missing glass, deteriorated or removed metal components, which prevents its mechanical function. This includes commercial and industrial vehicles and equipment, snowmobiles, motorcycles, all-terrain vehicles, trailer, boats, marine equipment and trailers;
- 2.15 **“District”** means the District Municipality of Muskoka;



- 2.16 **“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;
- 2.17 **“Dwelling Unit”** means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which has a private entrance from outside the building or from a common hallway or stairway inside the building. For the purposes of this By-law a dwelling unit does not mean or include a tent, or a room or suite of rooms in a hotel, motel or motor hotel;
- 2.18 **Domestic Waste** means any debris, rubbish, refuse or garbage of any type arising from a residence, belonging to or associated with a house or use of a house or residential property, including but not limited to garbage, discarded material or things, yard waste, broken or dismantled things and materials or things exposed to the elements and deteriorating or decaying on a property due to exposure to the weather;
- 2.19 **“Effluent”** means sanitary sewage that has passed through a treatment unit;
- 2.20 **“Fire Resistance Rating”** means the time as defined in the Ontario Building Code that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.
- 2.21 **“Guard”** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a deck or 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 it;
- 2.22 **“Habitable Room”** means a room in a dwelling used or intended to be used primarily for human occupancy for the purposes of living, sleeping, cooking or eating, but does not include a bathroom, toilet room, serving or storage pantry, laundry or corridor;
- 2.23 **“Industrial Waste”** means any debris, rubbish, refuse or garbage of any type arising from an industrial or commercial operation, or belonging to or associated with industry or commerce or industrial or commercial property including but not limited to garbage, discarded material or things, broken or dismantled things, yard waste, materials or things exposed to the elements and deteriorating or decaying on a property due to exposure to the weather;
- 2.24 **“Maintenance”** means the preservation and keeping in good repair of a property and building;
- 2.25 **“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;
- 2.26 **“Motor Vehicle”** means an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by



other than muscular power, but does not include the cars of an electric or steam railway or other vehicles running solely upon rails or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c. H.8;

- 2.27 **“Multiple Dwelling”** means a building containing three or more dwelling units;
- 2.28 **“Naturalized Area”** means a defined area of vegetation that is natural vegetation, has been deliberately planted or cultivated with species of wildflowers, shrubs, trees, annuals, perennials, ornamental grasses or combinations thereof consistent with a managed and natural landscape and includes the required buffer in the shoreline as required in Township Zoning By-Law, Development Permit By-law and or the Community Planning Permit By-law;
- 2.29 **“Non-Habitable Room”** means any room in a dwelling or dwelling unit or other than a habitable room, and including a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling and for access to, and vertical travel between storeys;
- 2.30 **“Non-Residential Property”** means a building or structure not occupied or capable of being occupied in whole or in part for residential occupancy and includes the lands and premises appurtenant thereto;
- 2.31 **“Occupancy”** means the use or intended use of a building or part of, for the shelter or enclose of persons, animals or property;
- 2.32 **“Occupant”** means any person or persons over the age of eighteen years in possession of the property;
- 2.33 **“Officer”** means a Property Standards Officer, a By-law Enforcement Officer appointed by by-law and assigned the responsibility for enforcing and administering this By-law;
- 2.34 **“Owner”** means the person, for the time being, managing or receiving the rent of, 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, trustee, or any other person 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 the lease is required to repair and maintain the property in accordance with the standards of maintenance and occupancy of the property;
- 2.35 **“Person”** includes an individual, corporation, partnership, agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 2.36 **“Property”** means a building or structure, or part of a building or structure, and includes the premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected;
- 2.37 **“Rental Dwellings and Dwelling Units”** means residential rental properties that would fall under the authority of the Residential Tenancies Act, 2006, S.O. 2006, and does not include short term rentals, hotels, motels, boarding houses, Bed and Breakfasts and seasonal rentals;



- 2.38 **“Repair”** means the provision of such facilities and the making of additions or alterations, or the taking of such action as in restoring, renovating and mending, as may be required so that the property shall conform to standards established in this By-law;
- 2.39 **“Residential Property”** means any property that is used or designed for use of 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;
- 2.40 **“Sanitary Sewage”** means liquid or water borne waste, of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 2.41 **“Septic System Maintenance Inspection Program, Policy and Procedures”** means a policy approved by the Council of the Township of Lake of Bays;
- 2.42 **“Sewage System”** means,
- a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system;
  - b) a greywater system;
  - c) a cesspool;
  - d) a leaching bed system; or
  - e) a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system;
- 2.43 **“Sewage”** means sanitary sewage or storm sewage;
- 2.44 **“Storefront”** means a store or other establishment usually containing display windows that has frontage on a street or thoroughfare;
- 2.45 **“Third Party Inspector”** is an inspector that is qualified by the Ontario Ministry of Municipal Affairs (MAH) to issue a certificate under the Discretionary Sewage System Maintenance Inspection Program approved by the Minister;
- 2.46 **“Treatment Unit”** a device that, when designed, installed and operated in accordance with its design specification, provides a specific degree of sanitary sewage treatment to reduce the contaminant load from that of sanitary sewage to a given effluent quality;
- 2.47 **“Township”** means The Corporation of the Township of Lake of Bays; and
- 2.48 **“Vehicle”** means any bicycle, farm tractor, mobile home, motorcycle, road building machine, self-propelled implement of husbandry, trailer, truck, motor vehicle, all-terrain vehicle, mini-bike, carriage, wagon, sleigh, motorized snow vehicle, commercial vehicle, emergency vehicle, motor



vehicle as defined by the Highway Traffic Act, R.S.O. 1990, or any other conveyance of persons or things on land.

### 3. GENERAL STANDARDS FOR ALL PROPERTIES

- 3.1 Any owner or occupant of property in the Township of Lake of Bays shall maintain and repair their property in accordance with the standards prescribed by this By-law.
- 3.2 Every owner or occupant shall carryout all repairs and maintenance of the property with suitable and sufficient materials in a manner accepted as good workmanship within the trade. All repairs or new construction shall conform to the Ontario Building Code and be completed by the prescribed time noted in the notice.
- 3.3 Every owner or occupant of a building, accessory structure or structure that shows evidence of decay or deterioration shall repair or replace any materials that are decaying or deteriorating in a manner acceptable to an Officer.
- 3.4 Every owner shall ensure that his or her property is kept free and clear of any:
  - a) grass areas exceeding 15 centimetres (6 inches) in height;
  - b) garbage, refuse, domestic waste or industrial waste;
  - c) refrigerator or freezer that is not located within a building or with the lid kept in a locked position;
  - d) wrecked, dismantled, abandoned or inoperable appliance or machine;
  - e) derelict motor vehicle;
  - f) hedge, tree or branch that hinders pedestrian traffic on a Township maintained sidewalk;
  - g) accumulation of animal excrement;
  - h) dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition in relation to their environment.
- 3.5 Every owner or occupant shall ensure that:
  - a) all steps, pedestrian walkways, driveways, parking spaces and other similar areas on their property are maintained so as to afford clear, unobstructed and safe passage by pedestrians and vehicles;
  - b) all snow and ice is removed from the roofs of their building(s) when, in the opinion of an Officer, the snow or ice poses a health or safety hazard to persons or property in the normal use of adjacent walkways, driveways, parking areas and entrances into buildings;
  - c) any naturalized area on their land does not encroach above or over the property line;
  - d) all landscaped features on their property are kept in good repair;



- e) all boulevard areas adjacent to their property are maintained so as the grass height is not greater than 15 centimetres (6 inches) in the community areas as defined in the Townships Official Plan.

### **COMPOST**

- 3.6 No owner shall establish one or more compost piles or structures except in accordance with the following:
  - a) that only acceptable compostable material as outlined by the Ontario Ministry of the Environment and local health authorities are placed within the compost pile or structure;
  - b) the compost pile or structure is for the sole use of the owner or occupant of the property on which the compost pile or structure is located;
  - c) the compost pile or structure is not located closer than 4.5 metres (15 feet) from any side or rear property line;
  - d) the compost pile or container is maintained so as to not attract vermin or animals or create a nuisance by way of offensive odours.

### **GARBAGE AND REFUSE STORAGE**

- 3.7 Every owner or occupant shall store household waste in rigid animal resistant containers with secure lids when stored outdoors and household waste shall not be stored in the front yard of a residential property where the property has a garage, side yard or designated storage facility. Every owner or occupant shall ensure that all lids are sealed when not in use.
- 3.8 The Owner of any property that does not conform to the standards shall:
  - a) repair and maintain the property in accordance with the standards; or
  - b) remove or demolish and remove the whole or the offending part of any property that is not in accordance with the standards; or
  - c) clear the site of all buildings and structures, debris and refuse, and leave the property in a graded and leveled condition;
- 3.9 Where applicable, the appropriate building or demolition permits shall be obtained prior to work commencing.

### **WASTE DISPOSAL AND LITTERING**

- 3.10 No person shall throw, place or deposit garbage, refuse or domestic waste or industrial waste on Township or District property without the written authority of the Township or District.
- 3.11 No person shall use any land or structure within the Township for dumping, burying or disposing of garbage, refuse, domestic waste or industrial waste of any kind

### **UNSAFE OR HAZARDOUS CONDITIONS**

- 3.12 No person shall cause or permit an unfenced, unprotected or open pit, excavation, well or other situation which causes a safety hazard on a property.



## EXEMPTIONS

- 3.13 The following exemptions apply with respect to the requirements of this By-law:
- a) Section 3.4 a) does not apply to a Naturalized Area, a property zoned as agricultural, rural, waterfront residential and waterfront commercial minimum of 15 meters along the shoreline as per the vegetation provisions in the Township Zoning By-law, Development Permit By-law and or Community Planning Permit By-law;
  - b) Section 3.4 b) does not apply to domestic or industrial waste being stored outside for regular waste collection provided the waste is being stored in accordance with sections 3.7 – 3.11 of this by-law and is placed out for collection on a regular basis and in accordance with any waste collection by-law currently in effect;
  - c) Sections 3.4 a), g), do not apply to a property being used for agriculture in accordance with the Township Zoning By-Law, Development Permit By-law and or the Community Planning Permit By-law;
  - d) Sections 3.6 a) and b) do not apply to a property being used for agriculture or permitted commercial uses in accordance with the Township Zoning By-Law, Development Permit By-law and or the Community Planning Permit By-law;
  - e) Sections 3.4 a), b), d) and e) do not apply to the extent that the matter prohibited therein is necessary for the operation of a business enterprise lawfully situated on the property pursuant to the Township Zoning By-Law, Development Permit By-law and or Community Planning Permit By-law currently in effect;
  - f) This By-law does not apply to land owned by the Government of Canada, the Province of Ontario or the District;
  - g) Section 3.4 e) does not apply to a maximum of two (2) derelict motor vehicles on a property provided the motor vehicles are undergoing an active restoration or repair project and are located within an enclosed building or structure or are otherwise completely screened from view from any other property or public roadway;
  - h) Section 3.5 c) does not apply to the branches of a tree overhanging an adjacent property or highway;
  - i) Sections 3.10 and 3.11 do not apply to any land or structure used by the Township or the District for the purpose of dumping or disposing of garbage, refuse or domestic or industrial waste or for the composting of organic materials.

## 4. MAINTENANCE STANDARDS

### 4.1 Accessory Buildings

Every owner shall comply with the following conditions:

- a) Accessory buildings, retaining walls, signs, fences and required planting strips and other designated structures appurtenant to the property shall be maintained in a structurally sound condition and kept in good repair to prevent any hazard to persons or property;





- b) Accessory buildings, retaining walls, fences, signs and other designated structures shall be protected from deterioration by the application of appropriate weather resistant materials, including paint or other suitable preservative, and be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material; and
- c) Semi-trailers shall not be considered accessory buildings in any residential zone.

#### 4.2 Damaged By Fire or Other Causes

- a) Every owner or occupant of a building, accessory structure or structure that is damaged by fire, storm or other causes shall:
  - i. take immediate steps to prevent or remove any condition that may endanger persons on or near the property;
  - ii. properly support and/or barricade the building or structure until necessary repairs or a demolition can be carried out;
  - iii. repair the building or structure as soon as is practicable;
  - iv. remove any smoke damage or other defacement from the exterior walls of the building or structure; and
  - v. if necessary, demolish the building as soon as is practicable with a valid demolition permit.

#### 4.3 Garbage Disposal

- a) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, rubbish, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, be animal resistant, have a tight fitting cover and shall be maintained in a clean and odor free condition at all times;
- b) Accumulation or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted; and
- c) No motor vehicle or major recreation equipment shall be used for the storage of garbage, rubbish, debris, waste material or similar materials.

#### 4.4 Pest Control

Every owner shall comply with the following conditions:

- a) Dwellings shall be kept as free as practical of rodents and vermin at all times. Methods used for exterminating such pest shall be in accordance with the provisions of the Pesticide Act. R.S.O. 1990, c.P.11.
- b) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.



#### 4.5 Sewage and Drainage

- a) Every sewage system shall be maintained so that:
  - i. the construction of the sewage system remains in accordance with:
    - a. the basis on which the construction and use of the sewage system was approved or required under the Ontario Building Code, and
    - b. the requirements of the manufacturer of the sewage system, and
    - c. all components of the sewage system function in their intended manner.
- b) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of, the sewage system.
- c) Sewage shall be discharged into a properly maintained and functioning approved sewage system.
- d) Where a sewage system is failing, the septic tank is required to be pumped forthwith and shall be pumped as required until the sewage system is repaired.
- e) Where a pump chamber receives sanitary sewage, it shall be equipped with a high water alarm.
- f) Where a pump chamber receives sanitary sewage, it shall be water and airtight, shall be vented to the outside atmosphere, and the inlet and outlet piping shall be properly maintained.
- g) 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.
- h) Storm water, including basement sump pump water and rainwater, shall not be drained into a sanitary sewer.

#### 4.6 Surface Conditions

Every owner shall comply with the following conditions:

- a) The surface condition of yards shall be maintained so as to:
  - i. prevent instability or erosion of soil;
  - ii. not exhibit an unsightly appearance;
  - iii. provide a safe passage under normal use and weather conditions, day or night;
  - iv. not to create a nuisance to other properties;
  - v. be kept free of garbage and refuse;
  - vi. be kept free of deep ruts and holes; and



- vii. prevent ponding at building and storm water from entering building.

#### 4.7 Vacant Buildings

- a) Every owner of a building, accessory structure or structure that is vacant shall maintain all utility connections in good repair and working order or secure all utility supplies, including the drainage of all water from water pipes from the building to prevent damage to the building or to neighboring property.
- b) Every owner of a vacant building shall:
  - i. effectively secure the building, accessory structure or structure from entry by unauthorized persons;
  - ii. in the case where boards or similar materials are used to secure openings to the building, accessory structure or structure, all boards and similar materials shall be covered and maintained with paint or preservative that presents a complimentary appearance to the colour of the exterior finish of the building, accessory structure or structure; and
  - iii. protect the building, accessory structure or structure from the risk of fire, the entrance of the elements, infestation of vermin or any unsafe condition.

### 5. RESIDENTIAL OCCUPANCY STANDARDS

“Residential Occupancy Standards” only apply to rental dwellings and dwelling units and every owner shall comply with the following conditions:

#### 5.1 General Conditions

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

#### 5.2 Bathrooms and Toilet Rooms

- a) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant;
- b) A wash basin shall be located in the same room as the water closet, and where this is not possible; a wash basin shall be located in a room conveniently adjacent to the room containing the water closet.



### 5.3 Chimneys

- a) Any heating apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke-pipe, vent-pipe or similar adequate chimney, as provided in the manufacturer's installation instructions and in accordance with the Ontario Building Code;
- b) All gaseous and liquid fuel burning appliances and equipment shall be installed and maintained to comply with the Ontario Energy Act, R.S.O., 1998, S.O. 1998, c.15 and the regulations made there under, or other applicable legislation;
- c) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into the dwelling. Abandoned flues and chimneys shall be either removed or maintained in a safe condition, including being adequately capped;
- d) All flues shall be kept clear of obstructions. All open joints shall be sealed and all broken and loose masonry shall be repaired.

### 5.4 Electrical Services

- a) Where available, electrical service complying with the requirements of the electricity service provider shall be provided for all residential accommodation;
- b) The electrical wiring and all electrical fixtures, switches receptacles and appliances located or used in dwellings, dwelling units 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 in the Canadian Electrical Code;
- c) 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;
- d) Exterior lights shall not be a nuisance to neighboring properties and must conform to the Township Dark Sky By-law;
- e) 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, an additional duplex outlet shall be provided;
- f) Extension cords shall not be used on a permanent basis.

### 5.5 Fire Alarms, Carbon Monoxide Detectors and Smoke Alarms

- a) Every dwelling unit shall be equipped with smoke alarms located between the bedrooms and the remainder of the dwelling unit, or as specified in the Ontario Building Code.
- b) A carbon monoxide detector shall be installed and maintained in all dwellings that are equipped with a fuel fired appliance or a "built – in" garage located in accordance with the Ontario Building Code.



#### 5.6 Heating Systems

- a) Every dwelling shall be provided with suitable heating facilities capable of maintaining a minimum indoor temperature of 20 degrees Celsius;
- b) The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard at any time;
- c) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located;
- d) Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located, enclosed or separated from the remainder of the building in conformance with the Ontario Building Code and/or Ontario Fire Code.

#### 5.7 Kitchens

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

#### 5.8 Lighting

- a) Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use;
- b) The owner shall insure that all public halls, stairs and outside entrances in multiple dwellings shall be adequately lighted.

#### 5.9 Maintenance

- a) Every floor, wall, ceiling, fixture and appliance in a dwelling shall be kept free from rubbish, mold, debris or conditions which constitute a fire, accident or health hazard.

#### 5.10 Plumbing

- a) All plumbing, drain pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system or water system



shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing;

- b) Water back flow preventors are required at each exterior hose bib;
- c) All plumbing fixtures shall be connected to the building drain through water seal traps.

#### 5.11 Toilet, Kitchen and Bathroom Facilities

- a) Every self-contained dwelling unit shall be provided with at least one kitchen sink, water closet, washbasin and bathtub or shower and an approved means of sewage disposal;
- b) Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit;
- c) Every washbasin and bathtub or shower shall have a supply of hot and cold running water. Every water closet shall have a suitable supply of running water;
- d) Where a toilet, kitchen or bathroom is shared by the occupants of a residential accommodation other than self-contained dwelling units, an entrance shall be provided from common passageway, hallways, corridor or other common space.

#### 5.12 Ventilation

- a) Every habitable room and basement shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow as required by the Ontario Building Code;
- b) An opening for natural ventilation may be omitted if mechanical ventilation is provided, which changes the air once each hour;
- c) All systems of mechanical ventilation or air conditioning shall be maintained in good working order;
- d) Unheated crawl spaces shall be adequately vented to the outside.

#### 5.13 Water Supply

- a) Every owner shall comply with the following conditions:
  - a) Every dwelling unit shall be provided with a safe and adequate supply of running water and potable water from a source approved by the appropriate authority. If the piped supply is not potable all fixtures must be labeled to indicate such and an adequate supply of potable water must be maintained within each dwelling;
  - b) All appropriate plumbing fixtures shall be provided 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 (110F).



## 6. BUILDING STANDARDS

### 6.1 Barrier Free Design

- a) All facilities provided for barrier free access must be maintained to the standard required at the time of original construction of the barrier free access and every owner shall comply.

### 6.2 Building and Structures

- a) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced;
- b) All exterior walls, roof, porch, chimney or appurtenance of a building shall be of materials which provide adequate protection from the weather and shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the dwelling, or to the public;
- c) Exterior walls of a building or structure, and their components, including soffits, fascia, roofs, windows and door, 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 the entry of water into the building envelope and deterioration due to weather conditions, insects or other damage;
- d) Exterior walls of a building or structure and their components shall be kept free of painted slogans, graffiti and similar defacements.

### 6.3 Doors and Windows

- a) Windows, doors, skylights and basement or cellar hatchways, shall be maintained in good repair, be weather tight and 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. Windows shall be free of cracks and breaks;
- b) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside a dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit;
- c) Where fire resistant doors exist in dwelling units, they shall be maintained in a condition which maintains the fire resistant rating for which the door was originally designed.



#### 6.4 Egress

- a) Every building shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level;
- b) The means of egress and fire warning devices in all buildings shall be maintained in accordance with O. Reg.388/97 (Fire Protection and Prevention Act).

#### 6.5 Electrical

- a) The electrical wiring, fixtures, switches, receptacles and appliances located or used in buildings 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 Canadian Electrical Code;
- b) Lighting fixtures installed throughout a building, including stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use;
- c) Exterior lights shall not be a nuisance to neighboring properties;
- d) Emergency lights and exit signs shall be maintained and tested regularly.

#### 6.6 Foundations

- a) The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by shoring of the walls, grouting masonry cracks, damp proofing the walls or floors, and installing sub-soil drains at footing levels;
- b) Every basement, cellar and crawl space in a building shall be adequately drained;
- c) Every foundation, wall or pier, structural member or material that has been damaged or indicate evidence of deterioration shall be repaired or replaced in accordance with the Ontario Building Code.

#### 6.7 Insulation

- a) Thermal insulation and air/vapour barriers of a building required to minimize heat losses shall be installed or maintained to prevent the condensation of water on exterior walls, ceilings or floors.

#### 6.8 Lighting

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





- b) All lighting amenities shall comply with the Township's 'Dark Sky By-law'.

#### 6.9 Plumbing

- a) All building drains shall be connected to a municipal sanitary or private sewage system except storm drains;
- b) Building intended for occupancy shall contain at least one bathroom. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water;
- c) 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;
- d) All plumbing fixtures shall be connected to the building drain through water seal traps;
- e) 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 interstices that may harbour germs or impede thorough cleansing.

#### 6.10 Roofs

- a) Roofs and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or material.
- b) Dangerous accumulations of ice and or snow shall be promptly removed from roofs.
- c) Removal of snow or sliding snow from any roof shall not affect the adjacent property.

#### 6.11 Stairs, Steps and Porches

- a) Inside or outside stairs, steps, porches, balconies, decks and landings shall be maintained so as to be free of holes, cracks or other defects which may constitute possible accident hazards. Existing stair treads, steps, handrails 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;
- b) Exterior steps, decks, walks and driveways shall be maintained so as to afford safe passage under normal use and weather conditions;
- c) Guard protection 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 24 inches (600mm). 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. Guard protection and handrails shall be constructed in accordance with the Ontario Building Code, and maintained rigid in nature.



#### 6.12 Walls, Floors and Ceilings

- a) Every wall, floor, and ceiling finish shall be maintained so as to be free of defects which would permit flame or excessive heat to enter any concealed space;
- b) Where fire resistant walls, floors or ceilings exist between separate dwelling units or suites, they shall be maintained in a condition which maintains the fire resistant rating for which the wall was originally designed;
- c) Where floor boards have been covered with linoleum or some other covering which has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired or replaced;
- d) Where wall studs and ceiling joist are covered with drywall or some other covering which has become worn or damaged so that it may cause an accident, the covering shall be repaired or replaced.

### 7. ADMINISTRATION AND ENFORCEMENT

- 7.1 The Council of the Township of Lake of Bays shall appoint an Officer(s) responsible for the administration and enforcement of this By-law.
- 7.2 An Officer may, at any reasonable times, enter upon land and into buildings (excluding dwellings unless consent or a search warrant is granted) for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine whether the property complies with this By-law under the authority of Section 436 of the Municipal Act and the Section 15.2 of the Building Code Act and an Officer may be accompanied by other Township of Lake of Bays employees/agents for this purpose.
- 7.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or employee/agent of the Township of Lake of Bays accompanying or acting under the direction of the Officer in exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provisions of this By-law shall identify him/herself to an Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.
- 7.4 Where an Officer has confirmed that a property or building is not maintained in accordance with the requirements of this By-law, the Officer may, in addition to verbally directing the owner to bring the property into compliance, serve the owner or occupant with a notice or an order in writing directing the owner to bring the property into compliance with the by-law requirements.
- 7.5 A written notice or order to the owner or occupant of a property may be served personally upon the owner or occupant of the property or sent by registered mail to the last known address of the owner or occupant according to the current assessment rolls. If sent by registered mail, the notice shall be deemed to have been served on the fifth (5) day after mailing.
- 7.6 Where an owner or occupant, having been served with a notice or order in the manner described in section 7.4, fails to comply with the notice or order within the time specified, an Officer, employee or agent may, upon



producing appropriate identification when so requested, enter onto the property at a reasonable time and carry out any or all of the work required to bring the property into compliance with this By-law and every owner shall comply.

- 7.7 Where an Officer has placed or caused the placing of a placard containing the terms of a notice or order upon any premises under the authority of Section 15.2 (3) of the Building Code Act, no person shall remove such placard except with the consent of the Officer.
- 7.8 When an Officer deems a violation under this By-law to pose an immediate risk to public health or safety, the notice provisions contained in section 7.4 may be waived and an emergency order shall be posted on the property requiring immediate action or other remediation. The owner or occupant shall comply with an emergency order within the period of time specified on the emergency order.
- 7.9 Any items or materials removed from a property during a clean-up conducted by the Township or an agent of the Township may be immediately disposed of by the Township or the agent of the Township without further notice to the property owner.
- 7.10 Once served upon an owner or occupant in accordance with section 7.4, a notice or order shall remain in effect on a property until the notice or order has been complied with or for the duration of a calendar year and further notices to the owner or occupant for similar violations within the same calendar year are not required.
- 7.11 Any repairs or maintenance undertaken by the Township to bring a property into compliance with this By-law the owner or the occupant to which an order or notice has been issued will be subject to a twenty five (25) percent administration fee.
- 7.12 Where the Township has completed works as described in section 7.5, all expenses incurred by the Township in doing the work as well as any related administrative fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.
- 7.13 The Township assumes no liability for property damage or personal injury resulting from remedial action or work undertaken with respect to any person or property that is subject to this By-law.
- 7.14 Any owner or occupant who has been served with a notice or order and who is not satisfied with the terms or conditions of the notice or order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail or in person to the Township Clerk within fourteen (14) days after being served with the notice or order. The owner or occupant must pay the processing fee.
- 7.15 The imperial measurements contained in this By-law are given for reference only.

## **8. OFFENCES AND PENALTIES**

This By-law shall apply to all property within the limits of the Township of Lake of Bays.



### 8.1 Property Standards Committee

- a) The Council of the Township of Lake of Bays shall establish a Property Standards Appeal Committee of at least three (3) persons with the powers and duties prescribed by the Building Code Act.
- b) The term of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one, two and three years
- c) Council may establish an honorarium to be paid to members of the Committee.
- d) All members shall serve beyond their terms of office as required until reappointed or replaced by Council.
- e) The Committee shall,
  - i. elect a chairperson from its members; and
  - ii. make provisions for a secretary of the Committee, said secretary being an employee of the City other than an Officer.
- f) When the chairperson is absent through illness or otherwise, the Committee may appoint another member as acting chairperson.
- g) Three (3) members of the Committee shall constitute a quorum.
- h) Any member of the Committee may administer oaths.
- i) A member of the Council of the Township or an employee of the Township or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.
- j) The secretary shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the Municipal Act applies to the minutes and records

### 8.2 Hearing

The secretary of the Committee, in receipt of the notice of appeal, shall

- a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than fourth (40) days from the date of receipt of the aforesaid notice; and
- b) give notice in writing, via registered mail, of the date, place and time of the hearing referred to in paragraph (a) to:
  - i. the appellant;
  - ii. the Officer who issued the order; and
- c) any other interested persons who the Committee considers should receive the notice.



- d) the Committee shall hold the hearing referred to in Section 8.2 at the date, place and time set out in the notice.
- e) the Committee may adopt its own rules of procedure.
- f) the applicant may appear with or without counsel at the hearing, to present the appeal.
- g) the Township may be represented at the hearing by the Township Solicitor or duly authorized agent who is entitled to reply to the appeal presented on behalf of the applicant.

### 8.3 Decision of Committee

- a) The Committee may,
  - i. confirm, modify or rescind the order to demolish or repair; or
  - ii. extend the time for complying with the order.
- b) The Committee shall give its decision in writing.
- c) The secretary of the Committee shall notify
  - i. the appellant;
  - ii. the Officer who issued the order; and
  - iii. any other person who appeared at the hearing of the appeal of the decision.
  - iv. Notification may be given by causing a copy to be served personally or by registered mail in accordance with the provisions of Section 7.5.

### 8.4 Certificate of Compliance

- a) Upon the issuance of a Certificate of Compliance at the request of an owner, a fee is payable in accordance with the current Township User Fee By-law.

### 8.5 Conflicts with Other By-laws

- a) Wherever a standard established by this By-law is different from a standard in relation to the same matter established by any other By-law in force in the Township of Lake of Bays, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.
- b) Every provision of this By-law is declared severable from the remainder and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

### 8.6 Penalties

- a) Every person guilty of an offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine and the



Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this By-law.

- b) Except as hereinafter provided, every person who contravenes any of the provisions of this By-law is guilty of an offence and liable to the penalties set out in the Building Code Act or;
- c) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine up to \$5,000 as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33. or;
- d) Except as hereinafter provided, every person who contravenes any of the provisions of this By-law is guilty of an offence and liable to the penalties set out in the Building Code Act made pursuant to this By-law and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his or her territorial jurisdiction, a penalty of not more than fifty thousand dollars (\$50,000.00) for the first offence and not more than one hundred thousand dollars (\$100,000.00) for any subsequent offence, and if a corporation is convicted, the maximum penalty shall be not more than five hundred thousand dollars (\$500,000.00) for the first offence and one million five hundred thousand dollars (\$1,500,000.00) for any subsequent offence.

#### 8.7 Municipal Lien

- a) If an Order of an Officer under subsection 15.2(2) is not complied with resulting in assessment and repair cost paid out by the Township or other expenses, the Township shall have a priority lien on the land and the amount shall be added to the tax roll against the property and collected in the same manner as property taxes in accordance with 15.4(4) and 15.4.2(2) of the Building Code Act and the Municipal Act.

#### 8.8 Effective Date

- a) That this By-law shall come into force and effect on July 17, 2018.

### 9. REPEAL OF BY-LAWS

- 9.1 By-law 85-58 and any other by-laws or provisions in other by-laws found to be inconsistent with this new by-law are hereby deemed to be repealed.
- 9.2 Should any clause in this By-law be declared invalid by a court of competent jurisdiction, such clause shall be construed as being severed from this By-law and the remainder of the By-law shall continue in full force and effect.

**READ A FIRST, SECOND and THIRD TIME** and finally passed this **19<sup>th</sup>** day of **June, 2018**.

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Deputy Mayor – Nancy Tapley

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Clerk – Carrie Sykes



**SCHEDULE "A"**

**THE TOWNSHIP OF LAKE OF BAYS SET FINE AMOUNTS**

**Provincial Offences Act – Part I**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Owner fails to keep ground cover to less than 15 centimetres in height	3.4 a)	\$150.00
2	Owner fails to keep property clear of garbage/refuse/domestic or industrial waste	3.4 b)	\$150.00
3	Owner fails to keep property clear of any refrigerator/freezer having unlocked lid	3.4 c)	\$150.00
4	Owner fails to keep property clear of a wrecked/dismantled/abandoned/inoperable appliance/machine	3.4 d)	\$150.00
5	Owner fails to keep property clear of a derelict motor vehicle	3.4 e)	\$150.00
6	Owner fails to maintain hedge/tree/branch on property so as to not hinder pedestrian traffic on public sidewalk	3.4 f)	\$150.00
7	Owner fails to keep property clear of accumulation of animal excrement	3.4 g)	\$150.00
8	Owner fails to keep property clear of dead/decayed/damaged tree/natural growth/branches/limbs which create unsafe condition	3.4 h)	\$150.00
9	Owner fails to ensure steps/pedestrian walkway/driveway/parking space/similar area on land is properly maintained	3.5 a)	\$150.00
10	Owner fails to remove hazardous ice/snow from roof of building	3.5 b)	\$150.00
11	Owner fails to ensure naturalized area does not encroach above or onto adjacent property	3.5 c)	\$150.00
12	Owner fails to maintain landscaped feature in good repair	3.5 d)	\$150.00
13	Owner fails to keep boulevard area maintained	3.5 e)	\$150.00
14	Owner places other than acceptable material in compost pile/structure	3.6 a)	\$150.00
15	Owner keeps compost pile/structure on land for use by non-owner/occupant	3.6 b)	\$150.00



Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
16	Owner keeps compost pile/structure closer than 4.5 metres to property line	3.6 c)	\$150.00
17	Owner fails to properly maintain compost pile/structure	3.6 d)	\$150.00
18	Owner fails to properly store household waste	3.7	\$150.00
19	Deposit garbage/refuse/domestic or industrial waste on Township/District property	3.10	\$400.00
20	Use land/structure for dumping/burying/disposing of garbage/refuse/domestic or industrial waste	3.11	\$400.00
21	Owner fails to take necessary action to prevent open pit/excavation/well/hazard on property	3.12	\$200.00
22	Owner fails to maintain accessory building, retaining wall, sign, fence or required plantings	4.1 a)	\$150.00
23	Owner fails to prevent or remove any condition that may endanger person/property after a fire, storm or other event	4.2 a) (i)	\$150.00
24	Owner fails to demolish the building after a fire	4.2.a)(v)	\$150.00
25	Owner fails to keep dwellings free of rodents and vermin	4.4 a)	\$150.00
26	Owner fails to maintain surface conditions of a yard	4.6 a)	\$150.00
27	Owner fails to secure the vacant building from entry by trespassers	4.7 b)(i)	\$150.00
28	Owner fails to provide a heating source suitable to maintain an indoor temperature of 20 c	5.6	\$150.00
29	Owner fails to provide a safe and adequate water supply	5.13 a)	\$150.00
30	Owner fails to maintain barrier free design standards	6.1 a)	\$150.00
31	Obstruct officer/employee/agent performing duty under by-law	7.3	\$300.00
32	Owner fails to comply with a notice	7.6	\$300.00
33	Owner fails to comply with emergency order	7.8	\$300.00

**Note: the general penalty provision for the offences listed above is section 8.6(c) of By-law 2018-054, a certified copy of which has been filed**