



The Corporation of the Town of Orangeville By-law Number 2022-

A by-law prescribing Standards for the Maintenance and Occupancy of Property

WHEREAS under section 15.1 (3) of the *Building Code Act, 1992, S.O. 1992, c.23*, as amended, authorizes the Council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

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

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

AND WHEREAS under sections 35.3 and 45.1 of the *Ontario Heritage Act, R.S.O. 1990, c.O.18*, as amended, a by-law may be passed by the Council of a municipality prescribing the minimum standards for the maintenance of the Heritage Attributes of designated heritage properties or properties situated in a heritage conservation district provided that a by-law passed under section 15.1 of the *Building Code Act* is in effect in the municipality;

NOW THEREFORE Council of the Corporation of the Town of Orangeville hereby enact as follows:

1 Short Title

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

2 Definitions

2.1 In this by-law:

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

Basement means that portion of a **building** which is partly below grade but which has at least one-half of its height from floor to ceiling above a finished grade and includes a crawl space and **cellar**;

Boat includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land;

Building means a building as defined in the **Building Code** or any part thereof, or a **structure** used or intended to be used for supporting or sheltering any use or occupancy;

Building Code means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, and any successor legislation and its prescribed regulations;

Cellar means that portion of a building which is partly or entirely below grade, which has at least one-half its height from floor to ceiling above a finished grade;

Committee means the Property Standards Committee established pursuant to the provisions of this by-law;

Council means the **Council** for the **Town**;

Dwelling means a **building** occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes a **dwelling unit**;

Dwelling Unit means a room or rooms which function as a housekeeping unit used or intended to be used by one or more **persons**, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the **building** or from a common hallway or stairway;

Fence means a **structure**, wall or barrier, other than a **building** or **accessory building**, erected at grade for the purpose of defining the boundaries of a **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen;

Firewood means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products including but not limited to wood skids, wood boxes, and used wood products that are not required for a **building** or **accessory building** currently under construction on the **property** or for which there is a current or regular use;

Graffiti includes one or more letters, symbols, numbers, etchings, inscriptions,

pictorials, unsightly chalk or paint marks, representations or other markings that disfigure or deface **property**;

Ground Cover means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass, plantings or other forms of landscaping;

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

Heritage Attribute means an attribute of a **heritage property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

- (a) in a by-law designating a **heritage property**;
- (b) in a by-law designating a heritage conservation district;
- (c) in a Minister's Order made under the *Ontario Heritage Act*;
- (d) in any documentation considered as part of (a), (b) and (c) above; and
- (e) includes any elements, features or components that support or protect the heritage attribute;

Heritage Property means a **Property** designated under Part IV or Part V or by Minister's Order under the *Ontario Heritage Act*;

Inoperative includes not being in good **repair**;

Medical Officer of Health means the Medical Officer of Wellington Dufferin Guelph Public Health;

Noxious Weed means, as defined in the *Weed Control Act, R.S.O. 1990, c. W. 5*, as amended, a plant that is deemed to be a noxious weed under subsection 10 (1) or designated as a noxious weed under section 24 (a) of the *Weed Control Act, R.S.O. 1990, c. W. 5*, as amended;

Occupant means any **person** or **persons** over the age of eighteen (18) years in possession of the **property**;

Officer means a Property Standards Officer of the **Town**, who has been appointed by by-law to administer and enforce the provisions of this by-law;

Owner includes:

- (a) the **person** for the time being managing or receiving the rent of the land or premise in connection with which the word is used, whether on the **person's** own account or as agent or trustee of any other **person**, or who would receive the rent if the land and premise were let; and

- (b) a lessee or **occupant** of the **property** who, under the terms of a lease, is required to **repair** and maintain the **property** in accordance with the standards for the maintenance and occupancy of **property**;

Person includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law;

Property means a **yard, building, accessory building** and includes all mobile homes, mobile buildings, mobile structures, outbuildings, **structures**, a **fence**, a **retaining wall**, **vacant property** and **heritage property**;

Recreational Vehicle means a motorized or trailer vehicle designated to be used for the temporary living, sleeping or eating accommodation of **persons**, and which is not used for any commercial purpose, and includes a motor home and a camper trailer;

Refuse includes any debris, rubbish, waste, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, trade waste, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying;

Repair includes:

- (a) the making of additions, replacement, restoration, painting or alteration or the taking of such action to meet the standards established in this by-law;
- (b) being free from accident, health and fire hazards, and in good operating, structurally sound, safe and functioning condition or order;
- (c) to carry out its intended function;
- (d) to maintain an attractive appearance.

Retaining Wall means a **structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs;

Sewage System means the **Town's** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system;

Structure means anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground;

Swimming Pool includes wading pools, artificial ponds, hot tubs and any accessory equipment or any part thereof;

Town means the Corporation of the Town of Orangeville or the land within the geographic limits of the Corporation of the Town of Orangeville as the context requires;

Unlicensed means does not have a current licence plate and licence plate sticker issued by the applicable government agency;

Unsafe Condition means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**;

Vacant building means any **building** or **accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include a **dwelling** occupied by the **owner** on a seasonal basis;

Vacant property means a **property** that does not have a **building** or an **accessory building**;

Vehicle means a motor vehicle as defined by the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, as amended, trailer, **boat**, **recreational vehicle**, motorized snow vehicle, mechanical equipment, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

Yard means a parcel of land which is capable of being legally conveyed;

Zoning By-law means any by-law administered by the **Town** passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended or any successor legislation thereof.

3 Repair Standards

3.1 **Repairs** to a **property** shall be made in a manner that is:

- (a) accepted as good workmanship in the respective building trades;
- (b) with materials that are suitable and sufficient;
- (c) with the same or visually similar material to blend with the existing material to form a consistent appearance;
- (d) in character with the surrounding environment

to the satisfaction of an **Officer** and in accordance with the **Building Code**.

4 Maintenance of Yards

4.1 A **yard** shall be kept clean and free from:

- (a) **refuse**;
- (b) refrigerators, freezers, an ice-box or other appliances;
- (c) **structures**, objects or conditions that may create an **unsafe condition**;
- (d) stagnant water;
- (e) dead, decayed, damaged trees or other natural growth and the branches and limbs thereof;
- (f) deep ruts and holes;

- (g) long grass, brush, undergrowth, and weeds that exceed 15 cm in height;
 - (h) animal excrement;
 - (i) injurious insects, rodents, vermin and other pests and any condition that may promote an infestation;
 - (j) **noxious weeds**;
 - (k) wrecked, dismantled, derelict, **inoperative**, discarded, unused or an **unlicensed vehicle**, trailer or **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly appearance;
 - (l) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly appearance;
 - (m) dilapidated or collapsed **building** or **accessory building** or other **unsafe condition** or unsightly appearance;
 - (n) an abandoned or unused well, septic tank or a hole on a **property**, except if filled or safely covered and protected;
 - (o) **firewood**, except if stored in neat orderly piles.
- 4.2 Notwithstanding section 4.1 (g), this By-law does not apply to open space **Town** lands that have been naturalized.
- 4.3 A **yard** shall be cultivated or protected by suitable **ground cover** and maintained to:
- (a) prevent the erosion of the soil;
 - (b) prevent accumulations of dust or dirt from spreading to a neighbouring **property**;
 - (c) not exhibit an unsightly appearance;
 - (d) provide for a safe passage.
- 4.4 Where grass forms a part of **ground cover** and is dead it shall be re-sodded or re-seeded as often as required so as to restore the grass to a living condition.
- 4.5 Hedges and bushes shall:
- (a) be kept trimmed and not overgrown;
 - (b) not exhibit an unsightly appearance.

- 4.6 Hedges, bushes, **ground cover**, trees, landscaping and general maintenance including lighting required by the **Town** as a condition of site development or redevelopment shall be maintained in good **repair** or living condition.
- 4.7 A **yard** shall be graded and maintained to prevent:
- (a) the excessive or recurrent ponding of storm water thereon;
 - (b) surface water run-off from entering a **basement**.

5 Graffiti

- 5.1 **Property** shall be kept free of **graffiti**.

6 Swimming Pools

- 6.1 A **swimming pool** shall be maintained free from:
- (a) stagnant water;
 - (b) leaks.
- 6.2 A **swimming pool** shall be maintained in good **repair**.

7 Waste Management and Storage

- 7.1 A **building** shall have sufficient and appropriate receptacles to contain **refuse**.
- 7.2 Receptacles shall be standard garbage bags or other garbage containers commercially sold for the purpose and provided with a tight fitting cover.
- 7.3 Garbage receptacles shall be maintained in a clean state and shall not be stored in the front yard.
- 7.4 **Refuse** shall be placed in the suitable receptacle and made available for removal in accordance with the County of Dufferin Waste Collection By-law.

8 Compost

- 8.1 A compost heap shall not be created or maintained on **vacant property** or on lands other than on lands with a residential designation under the **Town's zoning by-law**.
- 8.2 A compost heap shall:
- (a) be maintained in a composter or an open compost pile that is not larger than 1.0 square metres in area and 1.8 metres in height;
 - (b) not be stored in the front yard.

9 Sewage and Drainage

- 9.1 Sewage shall be discharged into an approved **sewage system**.
- 9.2 Stormwater run-off from all downspouts of impervious surfaces, a sump pump and **swimming pool** water shall be contained within the limits of the **property** from which it originates until absorbed by the soil or drained to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

10 Parking Areas, Walks and Driveways

- 10.1 An area used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone or gravel or other suitable or reasonably dust-free substance.
- 10.2 A surfaced path, sidewalk, patio, step, ramp, entrance, driveway and parking area shall:
- (a) be maintained in good **repair**;
 - (b) provide for safe passage;
 - (c) adequately illuminated so as to afford safe use.

11 Fences and Retaining Walls

- 11.1 A **fence**, barrier and **retaining wall** shall:
- (a) be maintained in good **repair**;
 - (b) not present an unsightly appearance.

12 Structural and Element Standards

- 12.1 A **building** and an **accessory building** shall be:
- (a) maintained in good **repair**;
 - (b) maintained to prevent the entry of moisture;
 - (c) maintained in a weather tight condition;
 - (d) capable of sustaining safely its own weight and any load to which it may be subject.
- 12.2 If, in the opinion of an **Officer**, there is doubt as to the structural condition and adequacy of a **building** or an **accessory building**, the **Officer** may order that such **building** or **accessory building** be examined by a professional engineer, licensed to practice in Ontario.

13 Pest Prevention & Sanitary Condition

13.1 A **building** and an **accessory building** shall be maintained free of rodents, vermin, injurious insects and any other condition that may promote an infestation.

13.2 A **dwelling** shall be maintained in a clean and sanitary condition.

14 Exterior Walls

14.1 An exterior wall and its components shall be maintained:

- (a) in good **repair**;
- (b) in a weather tight condition;
- (c) to prevent the entry of moisture;
- (d) free from holes, cracks, loose or unsecured objects or materials or other defects;
- (e) so as not to present an unsightly appearance.

15 Foundations

15.1 A foundation and its components shall be maintained:

- (a) in good **repair**;
- (b) in a weather tight condition;
- (c) to prevent the entry of moisture;
- (d) free from holes, cracks, loose or unsecured objects or materials or other defects.

15.2 The **repair** of a foundation and its components includes:

- (a) shoring of the foundation;
- (b) installation of subsoil drains at the footings;
- (c) grouting masonry cracks;
- (d) parging or waterproofing the walls.

16 Roof and Roof Structures

16.1 A roof and its components shall be maintained:

- (a) in good **repair**;
- (b) in a weather tight condition;
- (c) to prevent the entry of moisture;
- (d) free from holes, cracks, loose or unsecured objects or materials or other defects;

- (e) free from dangerous accumulation of ice or snow.

16.2 An eavestrough, roof gutter and downspout shall be maintained:

- (a) in good **repair**;
- (b) free from leaks;
- (c) free from obstructions;
- (d) in a manner that they are securely fastened to the **building** or **accessory building**.

17 Doors and Windows

17.1 A window, exterior door, garage door and **cellar** hatchway and its components including hardware and weather-stripping shall be maintained:

- (a) in good **repair**;
- (b) in a weather tight condition;
- (c) to prevent the entry of moisture;
- (d) free from holes, cracks, loose or unsecured objects or materials or other defects.

17.2 A window and an exterior door shall have suitable hardware so as to permit locking or securing from inside the **dwelling**.

17.3 A window in a **dwelling** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of insects.

17.4 A screen shall be maintained in good **repair**.

17.5 A solid core door shall be provided for all entrances to a **dwelling**.

17.6 In a multi-residential **dwelling** where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multi-residential **dwelling** and that system is controlled from each **dwelling unit**, such system shall be maintained in a good **repair**.

18 Stairs, Landings, Porches, Ramps and Balconies

18.1 Stairs, landings, porches, ramps and balconies and its components including guardrails, balustrades and handrails shall be maintained:

- (a) in good **repair**;

- (b) free from holes, cracks, loose or unsecured objects or materials or other defects.

19 Exterior Lighting

- 19.1 Exterior lighting fixtures shall be maintained at an entrance to a **dwelling**.
- 19.2 An exterior lighting fixture shall not be installed or maintained in a manner so as to shine directly into the window of an abutting **dwelling**.

20 Interior Walls, Ceilings and Floors

- 20.1 An interior wall, ceiling and floor and its components in a **dwelling** shall be maintained:
 - (a) in good **repair**;
 - (b) free from holes, cracks, loose or unsecured objects or materials or other defects;
 - (c) free of all loose, warped, protruding, broken, or rotted boards or other material.
- 20.2 An interior wall surrounding a shower or bathtub shall be impervious to water.
- 20.3 A floor in a bathroom, kitchen and laundry room shall be impervious to water.

21 Kitchen

- 21.1 A **dwelling** shall contain a kitchen area equipped with:
 - (a) one sink that provides an adequate supply of hot and cold running water;
 - (b) a counter or work area, exclusive of the sink, that is covered with a material that is impervious to moisture and grease and can be easily cleaned;
 - (c) a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections.
- 21.2 A cooking and refrigeration appliance shall be maintained in good **repair**.

22 Bathroom

- 22.1 A **dwelling** shall contain a bathroom with plumbing fixtures consisting of a:
 - (a) toilet;
 - (b) sink;
 - (c) bathtub or shower.
- 22.2 A bathroom shall be accessible from within a **dwelling** and shall be fully

enclosed and provided with a door capable of being locked so as to allow privacy for a **person** using the bathroom.

- 22.3 Where a bathroom is shared by **occupants** of a residential accommodation, other than a self-contained **dwelling unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the bathroom.
- 22.4 A bathroom shall be provided with an adequate supply of hot and cold running water.

23 Plumbing

- 23.1 A **dwelling** shall be provided with an adequate supply of potable running water from a source approved by the **Medical Officer of Health**.
- 23.2 All plumbing in a **dwelling**, including drains, water supply pipes, toilet, sink, bathtub, shower and other plumbing fixtures and its components shall be maintained:
- (a) in good **repair**;
 - (b) free of leaks and other defects;
 - (c) free from blemishes, cracks, stains or other defects;
 - (d) to be impervious to water;
 - (e) to be protected from freezing;
 - (f) and be connected to the **sewage system** through water seal traps.

24 Heating, Heating Systems, Chimneys, Vents and Fuel Burning Appliances

- 24.1 A **dwelling** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 f.). The heating system shall be maintained in good **repair** so as to be capable of safely heating the **dwelling** to the required standard.
- 24.2 A fuel burning appliance, equipment and accessories shall be maintained in good **repair** and properly vented to the outside air by means of a smoke-pipe, vent-pipe, chimney flue or other approved method as set out in the **Building Code**.
- 24.3 A **dwelling** shall be maintained 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 in other parts of the **dwelling** used for habitation. Such separations shall conform to the **Building Code**.
- 24.4 A chimney, smoke or vent stack, smoke-pipe, flue and vent and its components in a **dwelling** shall be maintained:
- (a) in good **repair**;

- (b) plumb;
- (c) free from loose bricks, mortar and loose or broken capping, or open joints and masonry cracks;
- (d) free from loose or rusted stanchions, braces and attachments;
- (e) free from obstructions;
- (f) to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

24.5 Portable heating equipment shall not be the primary source of heat in a rental **dwelling**.

25 Air Conditioning

25.1 An air conditioning system shall be maintained in good **repair**.

26 Electrical Service

26.1 A **dwelling** shall be wired for electricity and shall be connected to an approved electrical supply system.

26.2 Electrical wiring, fixtures, switches, receptacles, and appliances shall be maintained in good **repair**.

27 Interior Lighting

27.1 Adequate lighting standards and fixtures in a **dwelling** shall be installed so that the work operations normally carried out in an area, or the use of an area, can be undertaken in safety and to provide safe passage.

27.2 A lighting standard and fixture shall be maintained in good **repair**.

28 Disconnection of Service

28.1 The registered owner of a **property** shall not disconnect, shut-off, remove, otherwise discontinue or cause or permit the discontinuance of any gas, water, steam, electric power, fuel oil or other service or utility serving a **dwelling** occupied by a tenant or lessee, except for a reasonable period of time in order to safely make **repairs**.

29 Ventilation

29.1 Sufficient ventilation shall be provided and maintained in a **building**, or **accessory building** including a kitchen, bathroom, **basement**, attic or roof space.

29.2 A system of mechanical ventilation shall be maintained in good **repair**.

30 Egress

30.1 A **dwelling** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **dwelling** at street or grade level.

31 Vacant Property

31.1 **Vacant property** shall be kept clear of all **refuse** and other materials and equipment.

32 Vacant Building

32.1 A **vacant building** 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**.

32.2 An **Owner** of a **vacant building** shall securely fasten and board up the openings of the **vacant building** with weatherproof sheet plywood. The plywood shall be painted in a colour compatible with the surrounding walls.

33 Heritage Properties

33.1 In addition, to all other standards prescribed by this by-law, an **Owner** of a **heritage property** shall:

- (a) protect, maintain and stabilize a **heritage attribute** so as to preserve the existing materials;
- (b) in the conduct of a **repair** use only materials that match the form and detailing of the original elements of the **heritage attribute**.

33.2 An **Owner** of a **property** designated under Part IV or Part V of the *Ontario Heritage Act* must consult with the **Town** to enquire if any approvals or a Heritage Permit are required prior to commencing any **repairs**.

33.3 An **Owner** of a **property** shall conduct **repairs** in accordance with a Heritage permit issued by the **Town**.

34 Administration and Enforcement

34.1 An **Officer** is responsible for the administration and enforcement of this by-law.

35 Inspection

35.1 An **Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine:

- (a) whether the **property** conforms with the standards prescribed in this by-law;
- (b) whether an order made under this by-law and the **Building Code** has been complied with.

35.2 An **Officer** shall not enter or remain in any room or place actually being used as a **dwelling** unless:

- (a) the consent of the **Occupant** is obtained, the **Occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the **Building Code**;
- (b) a warrant issued under the **Building Code** is obtained;
- (c) the delay necessary to obtain a warrant or the consent of the **Occupant** would result in an immediate danger to the health or safety of any **person**;
- (d) the entry is necessary to terminate a danger under section 15.7 (3) of the **Building Code**; or
- (e) the requirements of section 35.3 are met and the entry is necessary to remove an **unsafe condition** or to **repair** or demolish under section 15.4(1) of the **Building Code**.

35.3 Within a reasonable time before entering the room or place for a purpose described in section 35.2 (e), the **Officer** shall serve the **Occupant** with notice of his or her intention to enter it.

35.4 An **Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the **Building Code**.

36 Orders and Compliance

36.1 An **Owner** of **property** shall comply with the standards and requirements prescribed in this by-law.

36.2 Every **Officer** who finds that a **property** does not conform with any of the **standards** of this by-law, may make an order pursuant to the provisions of section 15.2 of the **Building Code**:

- (a) requiring the **property** that does not conform with the standards to be **repaired** and maintained to conform with the standards; or
- (b) requiring that the site be cleared of all **buildings** or **accessory buildings, structures** or **refuse** and left in a graded and leveled condition.

36.3 Every **Owner** of **property** shall comply with an order made pursuant to this by-law and the **Building Code** requiring compliance as confirmed or modified. If an order of an **Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Town** may cause the **property** to be **repaired** or demolished accordingly.

- 36.4 Where any **person** fails to comply with an order issued, the **Town** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

37 Appeal of Order

- 37.1 An **Owner** who has been served with an order made under this by-law and **Building Code** and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order.
- 37.2 An order that is not appealed within the time referred to in section 53.1 shall be deemed to be confirmed.
- 37.3 The **Committee** shall hear the appeal.
- 37.4 On an appeal, the **Committee** has all the powers and functions of the **officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
- (a) confirm, modify or rescind the order to demolish or **repair**.
 - (b) extend the time for complying with the order.
- 37.5 The **Town** in which the **property** is situate or any **Owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the Clerk of the **Town** in writing and by applying to the court within 14 days after a copy of the decision is sent.
- 37.6 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **persons** upon whom the appointment is to be served.
- 37.7 On the appeal, the judge has the same powers and functions as the **Committee**.
- 37.8 An order that is deemed to be confirmed under section 53.2 or that is confirmed or modified by the **Committee** under section 53.3 or a judge under section 53.7, as the case may be, shall be final and binding upon the **Owner** who shall carry out the **repair** or demolition within the time and in the manner specified in the order.

38 Power of Town to Repair and Demolish

- 38.1 If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Town**, in accordance with section 15.4 of the **Building Code**, may cause the **property** to be **repaired** or demolished.

- 38.2 Where an order is not complied with and the **Town** has caused the **property** to be **repaired** or demolished, the **Town** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **property** for the amount spent on the **repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Town** and may be collected in the same manner as taxes on the **property**.

39 Emergency Orders

- 39.1 If upon inspection of a **property** an **Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **person**, the **Officer** may make an order in accordance with section 15.7 of the **Building Code** containing particulars of the non-conformity and requiring remedial **repairs** or other work to be carried out immediately to terminate the danger.

40 Service

- 40.1 An order may be served personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service or a copy of the order may be posted on the **property** in a location visible to the public.
- 40.2 If an order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

41 Registration of an Order

- 41.1 An order may be registered in the proper Land Registry Office.
- 41.2 When the requirements of the order have been satisfied, the Clerk 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.

42 Certificate of Compliance

- 42.1 After inspecting a **property**, an **Officer** who is of the opinion that the **property** is in compliance with the standards established in this by-law, may issue a certificate of compliance to the **Owner**.

43 Property Standards Committee

- 43.1 A **Committee** is hereby established in accordance with the **Building Code**.
- 43.2 The **Committee** shall be composed of such **persons**, not fewer than three (3), as **Council** considers advisable.

43.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

44 Penalty

44.1 Every **Owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this by-law is guilty of an offence under section 36 (1) of the **Building Code** and is liable to a penalty or penalties as set out in section 36 of the **Building Code**.

45 Obstruction

45.1 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, an **officer** in the exercise of a power or the performance of a duty under this by-law.

46 Transitional Rules

46.1 After the date of the passing of this by-law, By-law 6-2002, as amended, shall apply only to lands in respect of which an order to comply has been issued prior to the date of passing of this by-law, and then only to such lands until such time as the work required by such order has been completed or any enforcement proceedings in respect of such order, including any demolition, clearance, or **repair** by the **Town** has been concluded.

47 Severability

47.1 If any section, subsection, paragraph, sentence, clause, or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this by-law shall remain and continue in full force and effect and shall remain valid and binding.

48 Repeal

48.1 That By-laws 6-2002 and 33-2002 are hereby repealed.

Read a first, second, and third time and passed in open Council on the day of
March , 2022.

Sandy Brown, Mayor

Karen Landry, Clerk