

The Corporation of the Village of South River

By-law 45-2019

Being a by-law to prescribe the maintenance of the physical conditions and occupancy of buildings and property in the Village of South River

(Property Standards By-law)

WHEREAS the Council of the Corporation of the Village of South River is empowered to pass a By-law pursuant to Section 15 of the Ontario Building Code Act, as amended;

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 10 (2) states;

A single-tier municipality may pass by-laws respecting the following matters:

- 6) Health, safety and well-being of persons.
- 8) Protection of persons and property, including consumer protection.
- 10) Structures, including fences and signs.

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 425 (1) A municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 426 (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 436 (1) A municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

1. A by-law of the municipality passed under this Act.
2. A direction or order of the municipality made under this Act or made under a by-law of the municipality passed under this Act.
3. A condition of a licence issued under a by-law of the municipality passed under this Act.
4. An order made under section 431. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 445 (1) If a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention. 2006, c. 32, Sched. A, s. 184; 2009, c. 33, Sched. 21, s. 6 (38).

AND WHEREAS Municipal Act, 2001, S.O. 2001, c. 25 section 446 (1) If a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide 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. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS the Fire Protection and Prevention Act, (FPPA) 1997, S.O., c4, as amended, requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS O. Reg. 213/07: FIRE CODE section 12. (1) states; The Minister may make regulations that are considered advisable or necessary for the purpose of establishing a fire code

for Ontario governing standards for equipment, systems, buildings, structures, land and premises, as those standards relate to fire safety or the risk created by the presence of unsafe levels of carbon monoxide. 2013, c. 14, s. 3.

AND WHEREAS the Council of the Village of South River deems it necessary and expedient to pass a By-law to prescribe standards for the maintenance of the physical condition and the occupancy of property within the Village of South River;

NOW THEREFORE the Council of the Corporation of the Village of South River enacts as follows;

SECTION 1: GENERAL

1.1 Short Title

This by-law may be cited as ‘The Property Standards By-law’.

1.2 Defined Area

This By-law applies to all property within the boundaries of the Village of South River

1.3 Scope

No property shall be used and no building or structure or part thereof, shall be erected, altered, enlarged, maintained, used, or occupied for any purpose within the Village of South River, except in conformity with the provisions of this By-law.

1.4 Validity

Should any action, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.5 Effective Date

This by-law shall come into full force and effect as of the date of passing.

SECTION 2: DEFINITIONS

2.1 Accessory Building

A detached building or structure not used for human habitation, that is subordinate to the primary use of the property.

2.2 Basement

The space in a building partly below grade, with more than one half its height measured from floor to ceiling, above the average exterior finished grade.

2.3 Building

Any structure used or intended to be used to support or shelter any use or occupancy.

2.4 Building Inspector

Is an inspector appointed under section 3, 3.1, 4, 6.1 or 6.2 of the Building Code Act, 1992, S.O. 1992, c. 23

2.5 Cellar

The space in a building partly below grade, with more than one half of its height, measured from floor to ceiling, below the average exterior finished grade.

2.6 Committee

The Property Standards Committee, as established in accordance with Section 15 of the Ontario Building Code Act, as amended.

2.7 Corporation

The Corporation of the Village of South River

2.8 Dwelling

A building, structure, or part thereof, occupied or capable of being occupied, in whole or

in part, for the purpose of human habitation continuously, permanently, temporarily or transiently, and having a gross floor area of 75 square metres.

2.9 Dwelling Unit

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

2.10 Exterior Property Area

All land on a property that is not covered by a building.

2.11 Garbage

The animal or vegetable waste and related waste products resulting from the handling, preparation, cooking, and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations.

2.12 Habitable Rooms

Any room in a dwelling used or capable of being used for living, cooking, sleeping or eating purposes.

2.13 Maintenance

The preservation of and care of a property or building.

2.14 Non-residential Property

A building or structure or part thereof, not occupied nor capable of being occupied in whole or in part, for the purposes of human habitation and without limiting the generality of the foregoing, including the land and premises, appurtenant thereto and all accessory buildings, fences, structures, or erections on or in such land and premises.

2.15 Occupant

Any person or persons over the age of eighteen years in ownership or possession of the property.

2.16 Officer

The Property Standards Officer or Building Inspector who has been assigned the responsibility of administering and enforcing the Property Standards By-law.

2.17 Owner

Including the person, for the time being, managing or receiving the rent of or paying the municipal taxes on the land or premises, whether on his own account or as an agent or trustee of any person or who would so receive the rent if such land and premises are let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property in accordance with the standards for the maintenance and occupancy of the property.

2.18 Person

An individual, firm, corporation, association or partnership.

2.19 Property

A building or structure or part thereof, including the lands and premises appurtenants thereto and all accessory buildings, mobile homes, mobile buildings, mobile structures, trailers, out-buildings, fences, and erections thereon whether heretofore or hereafter erected, and includes vacant lands.

2.20 Repair

The making of additional or alterations or the taking of such action as may be required so that the property shall conform to the standards established in the By-law.

2.21 Residential Property

Any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and included 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 yards.

2.22 Sewage

Any liquid waste containing animal, vegetable or mineral material in suspension or solution but does not include sump drainage, roof water or run-off.

2.23 Sewage System

A property maintained and functioning private sewage system.

2.24 Standards

The standards of physical condition and of occupancy prescribed for the property in this By-law.

2.25 Structurally Sound

Construction capable of withstanding the forces placed upon the building under normal uses.

2.26 Yard

Any land appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

SECTION 3: GENERAL STANDARDS FOR ALL PROPERTY

3.1 Ground Conditions

Every person shall maintain Surface conditions of yards to:

- i) prevent ponding of storm water;
- ii) prevent instability or erosion of soil;
- iii) prevent surface water run-off from affecting adjacent properties.
- iv) be kept free of deep ruts, holes, and excavations;
- v) provide for safe passage under normal use and weather conditions, day or night; and

3.2 Drainage or Sewage

3.2.1 Every person shall discharge sewage or organic waste into a sewage system in accordance with the Environmental Protection Act.

3.2.2 No person shall drain storm water from their property in a manner as to cause excessive ponding, the entrance of water into a building, or to affect adjacent properties.

3.2.3. every person shall ensure exterior property areas are graded and maintained to prevent ponding of water. Catch basins and swales shall be installed and maintained where necessary, to facilitate drainage and so as not to impede the natural flow of water.

3.3 Parking Areas, Walks, and Driveways

3.3.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repairs free of dirt and litter.

3.3.2 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

3.4 Exterior Walls

3.4.1. Exterior walls of a building or structure and their components, including soffits and facia, shall be maintained in good repair free from cracked or broken or loose masonry units, stucco, and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

3.4.2 Exterior walls of a building or structure and their components shall be free of

unauthorized signs, painted slogans, graffiti, and similar defacement.

3.6 Structural Soundness

- 3.5.1 Every building and every structural member 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. Structural members or materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3.6.2 Every exterior wall, roof, porch, chimney or exterior portion of a building shall be maintained in a manner as to prevent the collapse of same or injury to the occupants of the dwelling or the public.
- 3.6.3 Walls, roof, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

3.7 Guardrails

A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers, including the landing or a height of 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, and balconies. Guardrails, balustrades, and handrails shall be constructed and maintained in a right nature, as defined by the Ontario Building Code.

3.8 Accessory Buildings and Other Structures

- 3.8.1 Accessory buildings, and other structure appurtenant to the property shall be maintained in structurally sound condition, in good repair, and free from fire, health, or safety hazards.
- 3.8.2 Accessory building, and other structures shall be protected from deterioration by the application or appropriate weather resistant materials including paint or other suitable preservative and shall be of one colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

SECTION 4: RESIDENTIAL STANDARDS

4.1 General Conditions

- 4.1.1. Every tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 4.1.2 Every tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling, and fixture, under their control, including hallways, entrances, laundry rooms utility rooms and other common areas, in a clean, sanitary, and safe condition.
- 4.1.3 No person shall allow accumulations or storage of garbage, refuse, appliance, or furniture to block any means of egress.

4.2 Compost Heaps

- 4.2.1 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete blocks, or lumber, or in a forty-five-gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

4.3 Pest Prevention

- 4.3.1 Dwellings shall be kept free of rodents, vermin, and insects at all times. Methods used for

exterminating such pests shall be in accordance with the provisions of the Pesticides Act.

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

4.4 Foundations

- 4.4.1 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents, and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing, and waterproofing walls, joints, and floors.
- 4.4.2 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

4.5 Windows and Doors

- 4.5.1. Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.5.2 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 4.5.3 Solid core or metal clad doors shall be provided for all entrances to dwellings and dwelling units.

4.6 Roof

- 4.6.1 Roofs of dwellings and their components shall be maintained in weather tight condition, free from loose or unsecured objects or materials.
- 4.6.2 No person shall allow the roof of a dwelling to leak into a dwelling

4.7 Walls, Ceilings, and Floors

- 4.7.1. Every wall, ceiling, and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings, or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 4.7.2 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free to all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 4.7.3 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned,

4.8 Stairs, Porches and Balconies

Inside and outside stairs, porches, balconies, and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute accident hazards. Existing guardrail, decks, steps, or stair treads of risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotten or deteriorated shall be repaired or replaced.

4.9 Kitchens

- 4.9.1 Every dwelling shall contain a kitchen area equipped with:
- a) a sink with hot and cold running water and is surrounded by surfaces impervious to moisture and grease;

- b) suitable storage areas for not less than 0.23 cubic meters (8 cubic feet);
- c) a counter or work area at least 0.75 square meters (8 square feet), exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) a space provided for a cooking and a refrigeration appliance including the suitable electrical or gas connections.

4.10 Toilet and Bathroom Facilities

- 4.10.1 Every dwelling shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 4.10.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the person using said room.
- 4.10.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor, or other common space to the room or rooms containing the said facility.

4.11 Plumbing

- 4.11.1 Each washbasin, bathtub or shower and at least one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees Fahrenheit).
- 4.11.2 Every dwelling unit shall be provided with an adequate supply of potable water approved by the Ministry of Health.
- 4.11.3 All plumbing, including drains, water supply pipes, water closets, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.11.4 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 4.11.5 All plumbing fixtures shall be of such material, 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 cleaning and free from blemishes, cracks, stains, or other defects that may harbor germs or impede thorough cleaning.

4.12 Electrical Service

- 4.12.1 Every dwelling and dwelling unit shall be wired for electricity
- 4.12.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwelling, dwelling units, and accessory buildings shall be installed and maintained on good working order so as not to cause fire or electrical shock hazards. All electrician services shall conform to the regulations established by the Power Corporations Act, as amended.
- 4.12.3 Every habitable room in a dwelling shall have electrical outlets as provided for in the Ontario Building Code. Extension cords shall not be used on a permanent basis.
- 4.12.4 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar, and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.12.5 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages, and basements, shall provide sufficient

illumination so as to avoid health or accident hazards in normal use.

4.13 Heating, Heating Systems, Chimneys and Vents

- 4.13.1 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees Fahrenheit) in the occupied dwelling units. The heating system shall be maintained in good working conditions so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.13.2 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to CSA standards.
- 4.13.3 Where a heating system or part hereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a condition that meets or exceeds CSA standards, and in a convenient location so as to be free from fire or accident hazard.
- 4.13.4 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling that is not used, designed, or intended to be used from human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 4.13.5 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue, or other approved method.
- 4.13.6 Every smoke-pipe, vent pipe, chimney flue, or other approved method. Shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes, or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing joints, and the repair of loose or broken masonry units.
- 4.13.7 Every smoke-pipe, vent pipe, chimney flue, or other approved method. shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

4.14 Fire Alarms, Detectors and Escapes

- 4.14.1 Fire Alarms, Detectors must comply with O. Reg. 213/07: FIRE CODE
- 4.14.3 Building using a fire escape as a secondary mean of egress shall have the escape in good condition, free from obstructions, and easily reached through an operable window or door.

4.15. Egress

- 4.15.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling to the outside at street or grade level.
- 4.15.2 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or one which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be provided to Ontario Building Code Standards. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

4.16 Natural Light

Every habitable room except a kitchen, bathroom, or toilet room shall have a window or

window, skylights, or translucent panel facing directly or indirectly to an outside space and admits natural light.

4.17 Ventilation

4.17.1 Every habitable room in a dwelling unit, including kitchens, bathrooms, or toilet room, shall have openings for ventilation providing an unobstructed free flow of air at least 0.28 square meters (3 square feet), or an approved system of mechanical ventilation that provides hourly air exchange.

4.17.2 All systems of mechanical ventilation shall be maintained in good working order.

4.17.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately vented.

4.18 Disconnected Utilities

Owners of residential building or any person or person acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration, or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing or otherwise altering said service or utility.

4.19 Occupancy Standards

4.19.1 No person shall use or permit the use of a non-habitable room in a building for habitable purposes.

4.19.2 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements.

- i) each habitable room shall comply with all the requirements set out in this By-law;
- ii) floors and walls shall be constructed so as to be damp proof and impervious to water leaking;
- iii) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
- iv) access to each habitable room shall be gained without passage through a service room; and
- v) every basement and crawlspace shall be adequately drained and adequately ventilated to the outside air.

SECTION 5: NON-RESIDENTIAL STANDARDS

5.1 Yards

5.1.1 The yards of non-residential property shall be maintained to the standards as described in Section 3.1 of this By-law.

5.1.2 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition or shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive areas shall be suitably enclosed in a solid wall or painted board or metal fence not less than 1.8 meters (6 feet) in height and maintained in good repair.

5.2 Parking Areas and Driveways

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

5.2.2 All areas used for vehicular traffic, parking spaces, and other similar areas shall be

maintained so as to afford safe passage under normal use and weather conditions.

5.3 Lighting

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

SECTION 6: STANDARDS FOR VACANT LANDS AND BUILDINGS

6.1 Vacant Lands

6.1.1 Vacant land shall be maintained to the standards described in Section 3.1 of this By-law.

6.1.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

6.2 Vacant Building

6.2.1 every person shall ensure vacant buildings are kept cleared of all garbage, rubbish, and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

6.2.2 The owner or agent of a vacant building shall board up the building to the satisfaction of the Fire Prevention Officer as per Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4

SECTION 7: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to the Ontario Building Code Act, and its regulations.

7.1 Property Standards Committee

A Property Standards Committee shall be established to review orders issued by the Property Standards Officer and shall be comprised of no fewer than three (3) members.

7.2 Property Standards Officer

The Council shall, by resolution, appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this By-law.

7.3 Duty to Comply

7.3.1 No person shall occupy, use or permit the use of property that does not conform to the property standards prescribed by the By-law.

7.3.2 All repairs and maintenance of the property shall be carried out with suitable and sufficient material and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform

7.3.3. Every owner of property which does not conform to the standards in this By-law shall repair and maintain the property so that it does conform with such standards or shall clear the site of all buildings, structures, debris, and refuse and leave the site in a graded and leveled condition.

7.3.4 No person shall remove from any premises any sign, notice, or placard placed thereon pursuant to Section 15 of the Ontario Building Code Act as amended.

7.4 Order of Violation

The order shall be sent to the last known address of the owner and shall state;

- 7.4.1 That the property does not comply with the standards prescribed by this By-law and shall specify the standards with which the property does not comply.
- 7.4.2 That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to a reinspection at which time the Office may issue an Order.
- 7.4.3 That the Office may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the By-law.

7.5 Appeal of Order

The following process shall be followed on all appeals:

- 7.5.1 When an owner or occupant upon whom an order has been served in accordance with this By-law is not satisfied with the terms or condition of the order, he may appeal by registered mail to the secretary of the Property Standards Committee within fourteen (14) days after service of the order and, in the event that an appeal is taken, the order shall be deemed to have been confirmed.
- 7.5.2 The Secretary of the Property Standards Committee, in receipt of the notice of appeal shall:
 - i) determine the date, place and time of the hearing of appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
 - ii) give notice in writing of the date, place and time of the hearing referred to in paragraph 7.5.2.i to both the appellant and the Officer who issued the order.
- 7.5.3 The Property Standards Committee shall:
 - i) hold the hearing at the date, place and time set out in the notice; and
 - ii) have the powers and function of an Officer.
- 7.5.4 The Property Standards Committee shall:
 - i) confirm the order,
 - ii) modify or quash the order; or
 - iii) extend the time for complying with the order provided that the general intent and purpose of this By-law is maintained.
- 7.5.5 The Property Standards Committee shall give its decision in writing.

SECTION 8: ENFORCEMENT

This By-law shall be enforced pursuant to the provision of Section 15 of the Ontario Building Code Act, as amended.

SECTION 9: PENALTIES

- 9.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33. b)
- 9.2 Every person who is 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.

SECTION 10: RECOVERY OF EXPENSE

In addition to any other remedy and to any other penalty imposed under this By-law or under the Ontario Building Code Act, as amended, where any person is in default in doing any matter or thing directed or ordered to be done pursuant to this By-law, such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, that same may be recovered in the manner as municipal taxes.

SECTION 11: CERTIFICATE OF COMPLIANCE

11.1 Issuance

Following the inspection of a property, the Officer may, or on the request of an owner shall, issue to the owner a certificate of compliance if, in their opinion, the property is in compliance with the standards of this By-law.

11.2 Fees

Where a certificate of compliance referred to in Section 15 of the Ontario Building Code Act is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Village of South River.

SECTION 12: OTHER REMEDIES PROTECTED

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceedings or remedy against a person or a building which does not conform to the standards of this By-law.

SECTION 13: OTHER BY-LAWS

If the provision of this By-law conflicts with the provision of another By-law of the Corporation, the provision which established the higher standards to protect the health, safety, and welfare of the occupants and of the general public shall prevail.

READ A FIRST AND SECOND TIME THIS 9th DAY OF DECEMBER 2019

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF DECEMBER 2019

Don McArthur, Clerk Administrator

Jim Coleman, Mayor

The Corporation of the Village of South River

By-law 45-2018

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to maintain yard to prevent ponding of water	3.1 i)	\$150.00
2	Fail to maintain yard to prevent instability or erosion of soil	3.1 ii)	\$150.00
3	Fail to maintain yard to prevent water run-off from affecting adjacent properties	3.1 iii)	\$150.00
4	Fail to discharge sewage or organic waste into an approved sewage system	3.2.1	\$300.00
5	Fail to ensure catch basins and swales are installed and maintained	3.2.3	\$150.00
6	Did allow means of egress to be blocked	4.1.3	\$150.00
7	Did allow roof to leak into dwelling	4.6.2	\$150.00
8	Fail to provide adequate heating facilities	4.13.1	\$150.00
9	Fail to maintain vacant land to standards	6.1.1	\$150.00

NOTE: The general penalty section for the offences indicated above is Section 9 of By-law No. 45-2019, a certified copy of which has been filed.