

BY-LAW NO. 55-97

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to prescribe standards for the maintenance and occupancy of all properties within the Town of Aylmer.

WHEREAS, The council of the Corporation of the Town of Aylmer deems it necessary to pass a by-law for prescribing standards for the maintenance and occupancy of all properties within the Town of Aylmer, and for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring properties that do not conform to the standards to be repaired and maintained to conform to the standards or for the property to be cleaned and cleared of all buildings, structures, debris or refuse, and left in a clean, graded and leveled state, and for prohibiting the removal from any premises of any sign, notice or placard placed thereon, pursuant to this by-law;

AND WHEREAS, Section 31 of The Planning Act, R.S.O. 1990, Chapter P.13., as amended, provides authority for the enactment of such a By-Law if an Official Plan that contains provisions relating to property conditions is in effect in a municipality.

AND WHEREAS, There is such an Official Plan in effect in the Town of Aylmer.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF AYLMER HEREBY ENACTS AS FOLLOWS:

Part 1

SHORT TITLE

Section 1 This By-Law may be cited as the "Property Standards By-Law".

Part 2

DEFINITIONS

Section 2 IN THIS BY-LAW

1. **“Accessory Building”** means a detached or attached building which is subordinate to the main use of the lot and which is not used or intended for use as human habitation;
2. **“Basement”** means that portion of a building between two floor levels, with a minimum height of six feet, four inches, which is partly underground, but which has at least one-half of its height from finished floor to finished ceiling above the average level of the adjoining ground;
3. **“Bathroom”** means a room containing at least a toilet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathtub or shower;
4. **“Bedroom”** means a habitable room used for sleeping purposes;
5. **“Boarder”** shall mean a person who is provided with meals or room and meals, regularly for pay.
6. **“Boarding House”** shall mean a house where meals or lodging and meals are provided for pay;
7. **“Cellar”** means that portion of a building between two floor levels with a minimum height of six feet four inches, which is partially or completely underground, and which has more than one-half of its height from floor to ceiling below the average level of the adjoining ground;
8. **“Committee”** means the Property Standards Committee as set out in Part 7 of this By-Law;
9. **“Corporation”** means the Corporation of the Town of Aylmer;
10. **“Crawlspace”** means that portion of a building between two floor levels, or between a floor level and the ground, with a height of less than six feet four inches;
11. **“Dwelling”** means a building or structure, any part of which is used or intended to be used for the purposes of human habitation, and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair;
12. **“Dwelling Unit”** means one or more rooms connected together as a separate unit in the same structure, and constituting an independent housekeeping unit for residential occupancy by beings, for living and sleeping purposes;
13. **“Fire Chief”** means the Fire Chief for the Town of Aylmer, and shall include the Fire Prevention Officer;

14. **“Habitable Room”** means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes, with a minimum height of seven feet, except as hereinafter expressly provided;
15. **“Lodging House or Rooming House”** means any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home or institution is licenced; approved, or supervised under any general or special Act;
16. **“Medical Officer of Health”** means the Medical Officer of Health for the Elgin-St. Thomas Health Unit;
17. **“Multiple Dwelling”** means a building containing two or more dwelling units, other than a semi-detached dwelling;
18. **“Multiple Attached Dwelling”** means a multiple dwelling that is divided vertically into more than two dwelling units, each of which has an independent entrance, and shall include terrace housing and row housing;
19. **“Non-Habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, recreation room, boiler room or other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between storey's;
20. **“Notice”** means a notice of non-conformity given under Section 7.3 of this By-Law;
21. **“Occupant”** means any person or persons, over the age of eighteen years in possession of the property;
22. **“Officer”** means the Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-Law;
23. **“Order”** means an order under Section 7.4 of this By-Law;
24. **“Owner”** includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

25. **“Property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto, and all outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
26. **“Repair”** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-Law. All repairs shall be made in conformity with the Ontario Building Code and all other applicable laws, codes and regulations;
27. **“Residential Property”** means a dwelling and includes any lands, yards and buildings appurtenant thereto, outbuildings, fences, steps, walks, walkways, driveways, parking spaces and erections thereon, whether heretofore or hereafter erected, and further includes vacant land;
28. **“Roomer or Lodger”** shall mean a person harboured, received or lodged, in a lodging house in return for compensation;
29. **“Safe Temperature”** means a temperature or any flammable surface, adjacent to the source of heat, which surface is not too hot for comfort when touched by the hand when any such source of heat has been producing heat continuously for a minimum of two hours;
30. **“Semi-Detached Dwelling”** means a building vertically divided into two separate dwelling units, each of which has an independent entrance;
31. **“Sewage”** means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution, but does not include roof water or other storm water run-off;
32. **“Sewerage System”** means the Town’s sanitary sewage system or a private sewage disposal system approved by the Medical Officer of Health and/or the Ministry of the Environment and Energy;
33. **“Standards”** means the standards set out in this By-Law;
34. **“Toilet Room”** means a room containing a water closet or toilet;
35. **“Yard”** means the land other than publicly owned land, around and appurtenant to the whole or any part of a building and used and intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the owner of the building;

Part 3

Section 3.1 MAINTENANCE OF PROPERTY

- 3.1.1. Except as herein provided, the standards set in this By-Law are prescribed as the standards for the maintenance of all properties in the Town of Aylmer shall be maintained in compliance with the standards.
- 3.1.2. The use of property that does not conform to the standards is prohibited.
- 3.1.3. Property below the standards prescribed by this By-Law shall be repaired and maintained to comply with the standards, or the land thereof be cleared of all buildings or structures and left in a clean, graded and leveled state, as required by notice, given by the Officer.

Section 3.2 PEST PREVENTION

- 3.2.1 Properties shall be kept free of rodents, vermin, and insects, and methods used for exterminating such rodents, vermin, or insects, shall be in accordance with the current provisions of The Environmental Protection Act and The Pesticides Act, and amendments thereto.
- 3.2.2 Basement or cellar windows used or required for ventilation, and every other opening in a basement or cellar or crawlspace, that might permit the entry of rodents, vermin, and insects shall be screened with wire mesh other material as will effectively exclude rodents, vermin and insects.

Section 3.3 FOUNDATIONS

- 3.3.1 The foundation walls and the basement, cellar, or crawlspace floor of a building shall be maintained in good repair and structurally sound condition, so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin and insects. Without restricting the generality of this section, maintenance includes shoring of the walls, installing subsoil drains at the footing, grouting, masonry cracks, and water-proofing the walls or floors.

Section 3.4 CONDITION OF A BUILDING

- 3.4.1 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 load to which it normally may be subject.

3.4.2 Materials which have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

Section 3.5 **MAINTENANCE**

3.5.1 Every floor, exterior wall, roof and porch or appurtenance of a building shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building, or to the public.

Section 3.6 **EXTERIOR SURFACES**

3.6.1 The exterior walls of a building and their components shall be maintained so as to prevent their deterioration due to weather and insects, and where necessary, shall be so maintained by the painting, restoring, or repairing of the walls, coping or flashing, by the water proofing of joints, and of the walls themselves by the installation or repairing of termite shields.

3.6.2 Exterior walls, roofs and other parts of a building shall be kept free from objects or materials which have been improperly secured or which have become loose or insecure. Such objects or material shall be removed, properly secured or replaced.

Section 3.7 **ROOFS**

3.7.1 The roof of a building shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary, shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.

Section 3.8 **DAMPNESS**

3.8.1 The floors, ceiling and walls of every building shall be kept free of moisture, dampness, and resulting fungus growths.

Section 3.9 **WEATHERPROOFING**

3.9.1 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building, and rotted or damaged doors, door frames, window frames, sashes and castings shall be renewed, and defective door and window hardware, weather-stripping and broken window glass shall be required.

Section 3.10 **INSIDE AND OUTSIDE STAIRS**

- 3.10.1 Every inside or outside stair, porch, balcony, or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects which constitute possible accident hazards, and all treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.
- 3.10.2 Every stairwell or open stairway leading to a higher storey or to a basement with four or more risers, and every porch, balcony or landing more than twenty-four inches above an adjacent surface, shall be equipped with hand rails or balustrades, maintained in good repair so as to provide adequate protection against accident or injury.

Section 3.11 **WALLS AND CEILINGS**

- 3.11.1 Every wall and ceiling in a building shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose plaster or other defects which would permit flame or excessive heat to enter a concealed space.
- 3.11.2 Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surfaces of walls and ceilings, and interior trim, shall be of amounts of smoke or objectionable gases so as to be injurious to health.

Section 3.12 **DOORS**

- 3.12.1 Existing doors and frames shall be maintained in a sound operative condition.
- 3.12.2 At least one entrance door in every dwelling unit shall be capable of being locked from both inside and outside.

Section 3.13 **FLOORS**

- 3.13.1 Every floor in a building shall be maintained in good repair so as to be free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces or surfaces in a dangerous condition, or surfaces that might admit rodents into a room, and all defective floor boards shall be repaired, replaced or removed.
- 3.13.2 The floor of every bathroom, shower room, and toilet room shall be so maintained as to be water resistant and readily cleaned.

Section 3.14 **GENERAL CLEANLINESS**

- 3.14.1 Every floor, wall, ceiling, furnishing and fixture in a building shall be maintained in a sanitary condition, and the building shall be kept free from rubbish and debris.

Section 3.15 **STORAGE SPACE**

- 3.15.1 Every dwelling unit shall be provided with space for the storage of linen and clothes. This may include free standing wardrobes and/or satisfactory hook racks.
- 3.15.2 Every dwelling unit shall be provided with space for general storage. In a multiple dwelling, such space may be in a communal general storage area.

Section 3.16 **ACCESS TO ENCLOSED SPACE**

- 3.16.1 An access opening of at least one foot eight inches, by two feet four inches, shall be provided to every crawl space, and to every attic and roof space exceeding two feet in height.

Section 3.17 **WATER**

- 3.17.1 Every dwelling unit shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
- 3.17.2 Every sink, wash basin, bathtub or shower required by this By-Law shall have an adequate supply of hot and cold running water.
- 3.17.3 Every water heater installed for the purpose of supplying hot running water to the occupants of a dwelling unit, shall be capable of heating water of a temperature of 120 degrees Fahrenheit.
- 3.17.4 A supply of water sufficient to adequately flush the toilet shall be supplied to every toilet.

Section 3.18 **SEWERAGE SYSTEM**

- 3.18.1 Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping which shall be connected to a municipal sewerage system, where available, or a system approved by the Medical Officer of Health and/or the Ministry of the Environment and Energy.

Section 3.19 **PLUMBING**

- 3.19.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building, and every connecting line to the sewerage system, shall be maintained in good repair and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.19.2 All plumbing, plumbing fixtures and piping shall conform to all Provincial Legislation and Regulations and to all applicable By-Laws of the Town of Aylmer.

Section 3.20 **TOILET AND BATHROOM FACILITIES**

- 3.20.1 Every dwelling unit (except as otherwise provided in Section 3.20.2) shall contain plumbing fixtures consisting of at least one of each of the following:
- (a) a toilet;
 - (b) a sink; and
 - (c) a bathtub or shower
- 3.20.2 The occupants of not more than two legal non-conforming dwelling units, as defined in the applicable zoning by-law, may share a single bathroom, provided
- (a) a total of not more than ten persons occupy the dwelling units, and
 - (b) access to the bathroom can be gained without going through habitable rooms of another dwelling unit or through an open area which is not normally heated during the season in which heat is required.
- 3.20.3 All bathrooms and toilet rooms shall be located within and accessible from within the building.
- 3.20.4 All bathrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.
- 3.20.5 No toilet or urinal shall be located within a room that is used for:
- (a) the preparation, cooking, storing or consumption of food, or,
 - (b) sleeping purposes.

Section 3.21 **KITCHEN FACILITIES**

- 3.21.1 A cooking space with an adequate and approved heat supply shall be provided for each dwelling unit.
- 3.21.2 There shall be a clear space above any exposed cooking surface of a cooking apparatus of at least twenty-four inches.
- 3.21.3 The cooking apparatus must conform to the appropriate provincial regulations governing the type of fuel being used for such cooking apparatus.

Section 3.22 **HEATING SYSTEM**

- 3.22.1 Every dwelling shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions, of 70 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms, unless otherwise permitted by the Medical Officer of Health, between the 15th day of September in each year, and the 31st day of May, of the following year.
- 3.22.2 The heating system required by Subsection 3.22.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- 3.22.3 No room heater shall be placed so as to cause a fire hazard to walls, curtains, or furniture, and shall not impede the free movement of persons within the room where the heater is located.
- 3.22.4 All heating and cooking apparatus or equipment involving combustion shall be properly connected to a chimney or a flue which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire, or accident hazard, by a rigid and permanently sealed connection.
- 3.22.5 All heating and cooking apparatus or equipment involving combustion shall be properly connected to the supply line by a rigid and permanently sealed connection.
- 3.22.6 Solid fuel-fired barbeques shall not be used within a building, or in or on a balcony of a building.

Section 3.23 **FURNACE ROOM – AIR SUPPLY AND FUEL STORAGE**

- 3.23.1 In buildings with a common central heating system, the heating system shall be located in a separate room having floors, walls, ceiling and doors with a fire

resistance rating of not less than one hour. The room shall not be used for the storage of fuels or any other material, and shall be kept clear of all debris and rubbish.

- 3.23.2 A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 3.23.3 Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 3.23.4 Fire dampers, where required, shall be installed and maintained in compliance with the Ontario Building Code.

Section 3.24 **CHIMNEYS**

- 3.24.1 Any mechanism or structure 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 and shall comply with the requirements of subsection 3.22.4
- 3.24.2 Every chimney, smoke pipe, flue and gas vent actually in use or available for use on a building, shall be maintained so as to prevent the escape of gases into the dwelling. Without limiting the generality of the foregoing, maintenance shall include keeping all open joints sealed, and repairing all broken and loose masonry. Every chimney, smoke pipe, flue and gas vent on a building shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.
- 3.24.3 Every chimney, smoke pipe, flue and gas vent actually in use or available for use shall be kept clear of obstructions.

Section 3.25 **FIREPLACES**

- 3.25.1 Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues and gas vents, and shall be installed so that nearby adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature.
- 3.25.2 Fuses or overload devices shall not exceed limits set by Ontario Hydro.

- 3.25.3 In every building, an adequate and safe illuminating device shall be installed in occupied areas. In every dwelling, an adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.
- 3.25.4 All common halls and stairs in a building shall be continuously lighted by a minimum of ten foot candles of light, measured at the floor level.

Section 3.27 **VENTILATION**

- 3.27.1 Every habitable room shall have an opening or openings for natural ventilation and such opening or openings shall have a minimum aggregate unobstructed free flow area of three square feet, and shall be located in the exterior walls or through skylight openings of roof ventilators. Openings shall be adequately screened to prevent the entry of insects.
- 3.27.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes air once each hour.
- 3.27.3 Every bathroom or room containing a toilet or urinal, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylight openings and all such openings shall have a minimum aggregate, unobstructed free flow of one square foot. Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- 3.27.4 An opening for natural ventilation may be omitted from a bathroom or room containing a toilet or urinal, where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling.
- 3.27.5 All systems of mechanical ventilation shall be maintained in good repair.
- 3.27.6 Every basement or cellar or crawlspace shall be vented to the outside air by means of screen windows which can be opened, by louvers with screen openings, or by an approved mechanical ventilation system all of which shall comply with Part 9 of The Ontario Building Code.

PART 4

Section 4.1 **FIRE AND ACCIDENT PROTECTION**

- 4.1.1 The provisions of Part 4 of this By-Law prescribe standards for the repair and maintenance of equipment designed and installed primarily for the life safety of occupants in the event of fire or accident.

Section 4.2 **FIRE PREVENTION EQUIPMENT**

- 4.2.1 Fire alarm systems and ancillary devices, standpipe and hose systems, sprinkler systems, voice communication systems, exit and emergency lighting equipment and first aid fire extinguishers, shall be maintained in good working order and repaired when necessary.
- 4.2.2 Fire protection equipment is subject to approval by the Prevention Officer after inspection by Fire Department personnel, and the Officer shall consult with the Fire Chief before issuance of an Order in respect to such equipment.

Section 4.3 **FIRE SEPARATIONS**

- 4.3.1 The integrity of all fire separations, fire walls, and fire doors shall be maintained in a state of repair at all times, so that they will perform their intended function in the event of fire.

Section 4.4 **EGRESS**

- 4.4.1 Every dwelling and each dwelling unit within it shall have a safe continuous and unobstructed passage from the interior of the dwelling unit to the outside of the dwelling at street or grade level.
- 4.4.2 Where a building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 4.4.3 A means of egress from a building shall be kept clean and free from rubbish or other debris that might create a fire or accident hazard. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

PART 5

Section 5.1 **MAINTENANCE OF YARDS**

- 5.1.1 All yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard.
- 5.1.2 All yards shall be kept free from excessive growth of weeds and grasses. Plants designed as noxious weeds under The Weed Control Act shall be eliminated from all yards.

- 5.1.3 Any vehicle, boat, trailer or part of any vehicle, boat or trailer, which is in a wrecked, discarded, dismantled, partly dismantled, inoperative or abandoned condition, shall not be parked, stored or left in a yard, but this shall not prevent the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes for which such repair is actively carried on.
- 5.1.4 All yards within a residential zone, which abut a municipal street, shall be maintained in grass cover and/or landscaping acceptable to the Corporation.

Section 5.2 **DRAINAGE**

- 5.2.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 5.2.2 Sewage shall be discharged into the municipal sewerage system, as provided in Subsection 3.18.1, and sewage of any kind shall not be discharged onto the surface drainage system or otherwise.

Section 5.3 **WALKS**

- 5.3.1 A hard surfaced walk shall be provided from every dwelling unit to the street, or to a hard surfaced driveway that connects to the street.
- 5.3.2 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.

Section 5.4 **FENCES AND ACCESSORY BUILDINGS**

- 5.4.1 Accessory buildings and all fences shall be kept in good repair and free from fire, health or accident hazards.
- 5.4.2 Where an accessory building or a yard is found to harbour noxious insects or rodents, all necessary steps shall be taken to eliminate such insects or rodents, and to prevent their recurrences.
- 5.4.3 Where an accessory building is not maintained in accordance with these standards, it shall be repaired or removed from the yard.

Section 5.5 **GARBAGE DISPOSAL**

- 5.5.1 Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.
- 5.5.2 All garbage and refuse shall be stored in a sanitary manner in containers which meet the requirements of the Town's current Garbage By-Law, and such other By-Law or By-Laws as may hereafter be passed in substitution or amendment thereof, and made available for removal in accordance with such By-Law or By-Laws and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a fire, health or accident hazard, or become a nuisance to adjoining properties and their occupants i.e. odour.
- 5.5.3 Outside receptacles shall be:
- (a) made of water-tight construction;
 - (b) provided with a cover adequate to prevent the escape of garbage, refuse and debris; and
 - (c) maintained in a clean state.

PART 6

Section 6.1 **OCCUPANCY STANDARDS**

- 6.1.1 For the purpose of computing the habitable floor area, the floor area under a ceiling which is less than seven feet high shall not be counted unless there is a sloping ceiling, then the habitable floor area shall be accordance with the Ontario Building Code, as amended.
- 6.1.2 A bedroom shall be a habitable room and no hallway shall be used as a bedroom.
- 6.1.3(a) No room in a dwelling shall be used as a bedroom unless it has a minimum width of six and on-half feet and a minimum floor area of sixty-square feet.
- 6.1.3(b) At least one-half of the required minimum floor area for a bedroom shall have a ceiling height of seven feet, and no floor area with a ceiling height of less than four feet, six inches, shall be counted.
- 6.1.4 A non-habitable room shall not be used as a habitable room.

- 6.1.5 In multiple dwellings, each habitable room shall be separated from the common central heating system, water heating system, and incinerator, by a fire separation having a fire resistance rating of at least one hour.

PART 7

ADMINISTRATION AND ENFORCEMENT

Section 7.1 APPLICATION

- 7.1.1 This By-Law shall apply to all properties within the limits of the Town of Aylmer.
- 7.1.2 Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Town of Aylmer, the provision of this By-Law shall prevail.
- 7.1.3 If any section of this By-Law is for any reason held to be invalid, that section shall be deemed to be severable and the remaining sections shall remain in effect until repealed.

Section 7.2 OFFICERS

- 7.2.1 The Office of the Property Standards Officer is hereby created and the person appointed from time to time to this office and in this By-Law, referred to as the "Officer", and shall be responsible for the administration and enforcement of this By-Law, subject to review by the Property Standards Committee.
- 7.2.2 The Officer may, from time to time, designate other persons to act as his assistant in the administration and enforcement of this By-Law.
- 7.2.3 Subject to Subsection 7.2.4, the Officer and any persons to act as his assistant in the administration and enforcement of this By-Law.
- 7.2.4 The Officer or any person acting under his/her instructions, shall not enter any room or place actually occupied without the consent of the occupier except under the authority of a search warrant issued under Section 158 of The Provincial Offences Act, R.S.O. 1990, Chapter P33.

Section 7.3 **NOTICE OF NON-CONFORMITY**

- 7.3.1 The Corporation will, in all cases, attempt to gain compliance through verbal notification and cooperation with the owner, and only upon failure by the owner to comply, will the formal enforcement process as set out below, apply.
- 7.3.2 If, after inspection, the Officer is satisfied that, in some respect, the property does not conform to the standards prescribed in this By-Law, the Officer shall issue and serve or cause to be served, a Notice of Non-Conformity, hereinafter referred to as the "Notice", referred to as Schedule "A" and forms a part of this By-Law.
- 7.3.3 The Notice shall be served by personal service upon, or sent by prepaid registered mail, to the owner of the property, and all shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office, to have any interest therein, and may at the same time, provide all occupants with a copy of such notice.
- 7.3.4 The Notice shall state:
- (a) That the property does not conform to the standards prescribed in this By-Law:
 - (b) The particulars of non-conformity;
 - (c) The date, time and place of a hearing to be held by the Officer to hear representations;
 - (d) That any person served with a Notice, or his/her representative is entitled to appear at the said hearing and make such representation and present such evidence as he/she so desires, and that in the event he/she does not appear at the said hearing, a decision may be made by the Officer in his/her absence;
 - (e) The address of the Officer for service;
 - (f) Any person affected by an Order made by the Officer, pursuant to the Notice, has the right of appeal to the Property Standards Committee, and stating the manner in which such an appeal may be made;
 - (g) Any other information which the Officer deems necessary.

Section 7.4 **ORDERS**

- 7.4.1 After the time afforded by the Notice for making representations, the Officer may make and serve or cause to be served upon or sent by prepaid, registered

mail, to the Owner of the property and all persons shown by the records of the Registry Office, to have any interest therein, an Order, hereinafter referred to as the "Order".

7.4.2 The Order shall contain:-

- (a) The municipal address or the legal description of the Property;
- (b) Reasonable particulars of the repaired to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse, and left in a clean, clear, graded and leveled state;
- (c) The period in which there must be a compliance with the terms and conditions of the Order;
- (d) Notice that, if such repair or clearance is not so done within the time specified in the Order, the Corporation may carry out the repair or clearance at the expense of the Owner, and,
- (e) The final date for giving Notice of Appeal from the Order.

7.4.3 The Officer may grant an extension of the time limited for compliance with any Order given by him/her, pursuant to the provisions of this By-Law, provided there is evidence of intent to comply with any such Order, or that conditions exist which, in the opinion of the Officer, prevent immediate compliance.

Section 7.5 **SERVICE**

7.5.1 A Notice under Section 7.3 or an Order under Section 7.4, when sent by Registered Mail, shall be sent to the last known address of the person to whom it is sent.

7.5.2 If the Officer is unable to effect services of a Notice under Section 7.3, or an Order under Section 7.4, he/she shall place a placard containing the terms of the Notice or Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice or Order on the Owner or other persons, and no person shall pull down, obstruct or deface such placard.

7.5.3 An Order under Section 7.4 may be registered in the proper Registry Office or Land Titles Office, and upon such registration, any person acquiring any interest in the land, subsequent to the registration of the Order, shall be deemed to have been served under Section 7.4. When the requirements of the Order are found by the Officer to have been satisfied, the Town Clerk shall forthwith register, in the proper Registry Office, or Land Titles Office, a certificate that such

requirements have been satisfied, which certificate shall operate as a discharge of such Order.

- 7.5.4 Following an inspection of a property. The Officer may, or on the request of the Owner, shall issue to the Owner, a certificate of compliance, if, in his/her opinion, the property is in compliance with the standards of this By-Law. The fee for such a certificate issued at the request of the Owner shall be \$30.00

Section 7.6 **PROPERTY STANDARDS COMMITTEE**

- 7.6.1 The Property Standards Committee, in this By-Law, referred to as the “Committee”, shall be comprised of the members of the Planning Committee of Council.
- 7.6.2 The Secretary, represented by the Town Clerk or his/her designate, shall keep on file, minutes and records of all applications and the decisions thereon, and of all other official business of the Committee, and Section 116 of The Municipal Act, R.S.O. 1990, Chapter 45 applies, mutatis mutandis to such documents.
- 7.6.3 A majority of the Committee members constitutes a quorum.
- 7.6.4 The Committee may adopt its own rules of procedure but before hearing an appeal under Subsection 7.7.2, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

Section 7.7 **APPEAL TO PROPERTY STANDARDS COMMITTEE**

- 7.7.1 Where the Owner or occupant or any person affected by an Order under Section 7.4 upon whom a Order has been served, in accordance with Section 7.4 and 7.5 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee, by sending Notice of Appeal, by registered mail to the Secretary of the Committee, within fourteen days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.
- 7.7.2 Where an appeal has been taken, the Committee shall hear the appeal within fourteen days after receipt of the Notice of Appeal and shall have all the powers and functions of the Officer and may confirm the Order to demolish and repair or may modify or quash it, or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this By-Law and of the Official Plan are maintained.

7.7.3 The Committee shall cause a copy of the decision of the Committee to be sent by prepaid registered mail within fourteen days of the decision to the Owner and the occupant and to any person upon whom the Order, under Section 7.4 has been served, addressed to them at their last know address, and to the Officer.

Section 7.8 **APPEAL TO THE COUNTY COURT**

7.8.1 The Corporation or any Owner or occupant or person affected by a decision, under Subsection 7.7.2, may appeal to a Judge of the County Court of the Judicial District of Elgin by so notifying the Clerk of the Corporation, in writing, and by applying for an appointment within fourteen days after the sending of a copy of the decision.

7.8.2 The Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his/her appointment, may direct that it shall be served upon such persons and in such manner as he/she prescribes.

7.8.3 The appointment shall be served in the manner prescribed by the Judge.

7.8.4 The Judge, on such appeal, has the same powers and functions as the Committee.

Section 7.9 **FINALITY OF ORDER**

7.9.1 The Order, as deemed to have been confirmed, pursuant to Subsection 7.7.1, or as confirmed or modified by the Committee, pursuant to Subsection 7.7.2, or, in the event of an appeal to the Judge, pursuant to Subsection 7.8.1, as confirmed or modified by the Judge, shall be final and binding upon the Owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the Order.

Section 7.10 **REMEDIES**

7.10.1 Where an Order has become Final as provided in Subsection 7.9.1, and the repair made or demolition effected, the property shall thereafter be kept in repair and maintained to conform to the standards or cleaned, cleared and left in a graded and leveled state, in accordance with Section 3.1 of this By-Law

7.10.2 Where an Order has become final as provided in Subsection 7.9.1, the Officer may:

- (a) issue a notice prohibiting the occupancy or use of the property that does not conform to the standards, and

- (b) place or cause to be placed, in a prominent position on the property, which does not conform to the standards, a placard stating that such property does not conform to the standards and in what particulars it fails to conform to the standards.
- 7.10.3 No person shall remove from any property or deface any sign, notice or placard placed thereon, pursuant to this By-Law.
- 7.10.4 If the Owner or occupant of the property fails to demolish the property or to repair, in accordance with an Order, as confirmed or modified, the Corporation, in addition to all other remedies:
- (a) shall have the right to demolish or repair the property accordingly and for this purpose, with its servants and agents, from time to time, to enter in and repair the property; and
 - (b) shall not be liable to compensate such Owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation, under the provisions of this Subsection.
- 7.10.5 Where the Corporation, its servants or agents, demolishes or repairs property, pursuant to Subsection 7.10.4, the Corporation may recover the expenses it incurs in so doing, by action, or in like manner as municipal taxes.
- 7.10.6 Every owner who contravenes any provision of this By-Law is guilty of an offence and is liable upon summary conviction to a fine for each day that he/she is in contravention of an Order that is final and binding, as per the provisions of Section 31 (22) (23) of The Planning Act, R.S.O. 1990, Chapter P.13.

By-Law No. 19-94, and any other By-Law that contravenes the intentions of this By-Law are hereby repealed.

READ A First and Second time this 14th day of October, 1997.

MAYOR

CLERK

READ A Third time and finally passed this 27th day of October, 1997.

MAYOR

CLERK

SCHEDULE "A" to BY-LAW NO. 55-97

NOTICE

TAKE NOTICE THAT the property known municipally as _____

has been inspected to determine whether or not the property conforms to the standards for all properties prescribed in By-Law No, 55-97 of the Corporation of the Town of Aylmer.

AND TAKE NOTICE THAT the inspection reveals that the property does not conform to the standards prescribed in By-Law No. 55-97, and that the particulars of non-conformity are set out in the list attached to this Notice as Exhibit "A".

AND TAKE NOTICE THAT on the _____ day of _____ at the hour of _____, a Hearing will be held by me at my office in the Buildings and Inspections Department, Town Hall, 46 Talbot Street West, Aylmer, Ontario, to hear representations and that you or your representative are entitled to appear at this Hearing and make such representations and present such evidence with respect to the property as you may desire, and that in the event, you do not appear at this Hearing, a decision may be made by me in your absence.

AND TAKE NOTICE THAT AFTER THE SAID HEARING the following Order or Orders may be made with respect to the property:

- (1) Requiring the repair of the property to make it conform to the standards within such time as set out in the Order, or
- (2) Requiring the site to be cleaned, cleared of all buildings, structures, debris or refuse and left in a clean, cleared, graded and leveled state.

AND TAKE NOTICE THAT my address for service is:

Town of Aylmer
Building & Inspection Department
46 Talbot Street West
Aylmer, Ontario
N5H 1J7 (519) 773-3164

AND TAKE NOTICE THAT the owner, or occupant or any person affected by an Order made by me, pursuant to this Notice, has the right to appeal to the Property Standards Committee, by sending a Notice of Appeal by Registered Mail to the Committee, at the Buildings & Inspections Department, Town Hall, 46 Talbot Street West, Aylmer, Ontario, N5H 1J7, within fourteen days after service of the Order, and in the event that no appeal is taken, the Order shall have deemed to have been confirmed.

DATED this day of

PROPERTY STANDARD OFFICER

EXHIBIT “A” to SCHEDULE “A” to BY-LAW NO. 55-97

PARTICULARS OF NON-CONFORMITY

Defects and Conditions not in compliance with By-Law No. 55-97, of the Corporation of
the Town of Aylmer