

PROPERTY MAINTENANCE

CHAPTER 865 MAINTENANCE - OCCUPANCY STANDARDS

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**Article 1
SHORT TITLE****865.1.1 Citation**

This Chapter may be cited as the Property Maintenance and Occupancy By-law passed pursuant to Section 15.1 of the *Building Code Act R.S.O. 1990, c. B.13*.

**Article 2
INTERPRETATION****265.2.1 Accessory building - defined**

"accessory building" means a detached subordinate building not used for human habitation, located on the same lot as the main building.

865.2.2 Basement - defined

"basement" means that space of the dwelling that is partly below grade which has more than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of a dwelling.

865.2.3 Bathroom - defined

"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 one shower.

865.2.4 Cellar - defined

"cellar" means that space of the building that is partly or entirely below grade which has one-half or less than one-half of its height measured from floor to ceiling above the average finished grade around the exterior of the dwelling.

865.2.5 Chief of the Fire Department - defined

"Chief of the Fire Department" means the Chief of the Fire Department of The Corporation of the City of Orillia.

865.2.6 Commercial property - defined

"commercial property" means a property used for the sale of goods and/or services and for the purposes of this Chapter shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with these uses.

865.2.7 Corporation - defined

"Corporation" means The Corporation of the City of Orillia.

865.2.8 Crawl space - defined

"crawl space" means that space below the floor of the first story of a building which is not less in height than 0.5 metres from the underside of the floor joists to the surface below and is not a cellar or basement as defined in this Article.

865.2.9 Demolition - defined

"demolition" means the removal of all buildings, structures, debris or refuse from property and leaving the property in a graded and levelled condition.

865.2.10 Dwelling - defined

"dwelling" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

865.2.11 Dwelling unit - defined

"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 humans for living and sleeping purposes.

865.2.12 Garage storage - defined

"garage storage" means a building or part thereof intended for the storage or parking of motor vehicles.

865.2.13 Habitable room - defined

"habitable room" means any room in a dwelling unit used for or capable of being used for living, sleeping, cooking or eating purposes.

865.2.14 Industrial property - defined

"industrial property" means a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.

865.2.15 Land - defined

"land" means the land, other than publicly-owned land, whether occupied or unoccupied.

865.2.16 Maintenance - defined

"maintenance" means the preservation and keeping in repair of a property.

865.2.17 Means of egress - defined

"means of egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.

865.2.18 Medical Officer of Health - defined

"Medical Officer of Health" means the Medical Officer of Health for the Simcoe County Health Unit.

865.2.19 Multiple dwelling - defined

"multiple dwelling" means a building containing three or more dwelling units.

865.2.20 Non-habitable room - defined

"non-habitable room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use and for access to and vertical travel between stories.

865.2.21 Occupancy - defined

"occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

865.2.22 Occupant - defined

"occupant" means any person(s) over the age of eighteen years in possession of the property.

865.2.23 Officer - defined

"Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this Chapter.

865.2.24 Openings - defined

"openings" means any door, window, hatch or other opening through which entry may be obtained into any building or structure forming part of a property.

865.2.25 Owner - defined

"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 or her 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.

865.2.26 Property - defined

"property" means a building or structure, or part of a building or structure and includes the land and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.

865.2.27 Repair - defined

"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 with the standards established in this Chapter.

865.2.28 Sewage - defined

"sewage" means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm run-off.

865.2.29 Sewerage system - defined

"sewerage system" means the municipal sanitary sewerage system or a private sewage disposal system approved by the Medical Officer of Health and/or Ministry of the Environment.

865.2.30 Shall - mandatory - singular - plural - present - future

In this Chapter the word "shall" is mandatory and not discretionary, words in the plural include the single number and words in the present tense include the future.

865.2.31 Standards - defined

"standards" means the standards of physical condition and of occupancy prescribed for property by this Chapter.

865.2.32 Toilet room - defined

"toilet room" means a room containing a water closet and wash basin.

865.2.33 Yard - defined

"yard" means any open, uncovered, unoccupied space, other than a court, on the same lot with a main building or structure and located between the main wall of the main building and the lot line of the said lot.

Article 3 GENERAL PROVISIONS

865.3.1 Applicable - all property - within City

The provisions of this Chapter shall apply to all property in the City of Orillia.

865.3.2 Use - occupancy - non-conforming property

No person shall use or occupy, or permit the use or occupancy, of any property that does not conform to the standards of this Chapter.

865.3.3 Property - clean - free from rubbish - other

Property shall be kept clean and free from rubbish or other debris and from accumulations of used materials, derelict furniture, appliances, automotive parts and other similar objects or conditions that might create a health, fire or accident hazard.

865.3.4 Weed - heavy undergrowth - noxious plants

Heavy undergrowth and noxious plants, such as giant hogweed, ragweed, poison oak, poison ivy and poison sumac shall be eliminated from all properties.

865.3.5 Vehicle - trailer - wrecked - dismantled - prohibited

Any vehicle, including a trailer, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left on any property.

865.3.6 Vehicle - unlicensed - dismantled - storage - prohibited

No property shall be used for the parking or storage of:

- (a) a motor vehicle which is not currently licensed for operation pursuant to the provisions of the *Highway Traffic Act* or amendments thereto for the Province of Ontario; or
- (b) a motor vehicle which has had part or all of its superstructure, running gear or source of motive power removed.

865.3.7 Exemption - automobile - wreckers - licensed

Sections 865.3.3, 865.3.5 and 865.3.6 shall not apply to those properties commonly known as automobile wrecking yards and which hold a current licence to operate such business under the provisions of the applicable regulations of the City of Orillia.

865.3.8 Parking areas - roadways - paved - in good repair

Areas used for vehicular traffic and parking shall be paved with bituminous or concrete surfacing or crushed stone of no more than 16 mm in diameter and shall be kept in good repair.

865.3.9 Ground cover - suitable - prevention of erosion

A property shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.

865.3.10 Safe passage - maintained - all areas

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 from every building to the street.

865.3.11 Accessory building - fences - walls - other - maintained

Accessory buildings, fences, barriers and retaining walls shall be kept in good repair and free from health, fire and accident hazards.

865.3.12 Signs - maintained - safe - good repair

Signs shall be maintained in good repair and shall be mounted in a safe manner to prevent any hazard to persons or property.

865.3.13 Rodents - vermin - insects - exterminated

All property shall be kept free of rodents, vermin and insects at all times, and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the *Pesticides Act*, and all regulations passed pursuant thereto.

865.3.14 Openings - screened - prevention of entry

Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

865.3.15 Property - non-complying - accumulation of debris

No person shall use or occupy, or being the owner thereof or his or her agent, shall allow to be used or occupied, any building, on any property unless such property conforms to the standards prescribed in this Chapter, nor shall the owner or his or her agent permit the accumulation of debris or rubbish on yards, as defined in contravention of the standards prescribed in this Chapter.

865.3.16 Failure - to maintain property - prohibited

No person shall, being the owner of any property, fail to maintain such property to conform to the standards of this Chapter.

865.3.17 Property Standards Committee - established

A Property Standards Committee to be known as the Property Standards Committee for the City of Orillia is hereby established and shall consist of three ratepayers of the City to be appointed at the pleasure of Council.

865.3.18 Conflict - other enactments

This Chapter shall be read as subject to the *Building Code Act*, and wherever the provisions of this Chapter conflict or are otherwise inconsistent with the provisions of the *Building Code Act*, the provisions of the *Building Code Act* shall prevail and shall be deemed to be incorporated in this Chapter.

**Article 4
SEWAGE - DRAINAGE**

865.4.1 Discharge - into sewerage system - where available

Sewage or organic waste shall be discharged into a sewerage system where such a system exists.

865.4.2 Discharge - sewerage system - not available

Where a sewerage system as set out in Section 865.4.1 does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.

865.4.3 Discharge - to surface - watercourse - prohibited

Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

865.4.4 Roof drainage - on sidewalks - stair - other - prohibited

No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.

865.4.5 Ponding - prevented - protection of basement

Storm water shall be drained from the yard so as to prevent recurrent ponding (except where provided for by the "zero run-off" concept) or the entrance of water into a basement or cellar.

**Article 5
GARBAGE**

865.5.1 Storage - in receptacles

Garbage, refuse and ashes shall be promptly stored in receptacles and made available for removal in accordance with the local by-law.

865.5.2 Receptacle - acceptable - watertight - clean - covered

Acceptable receptacles shall be plastic bags or other containers:

- (a) made of watertight construction;
- (b) provided with a tight-fitting cover; and
- (c) maintained in a clean state.

865.5.3 Receptacle - sufficient number - required

Every property shall have sufficient receptacles to contain all garbage, refuse and ashes that accumulate in the yard and dwelling.

**Article 6
SWIMMING POOLS**

865.6.1 Maintained - safe condition

Swimming pools shall be maintained in a safe condition.

865.6.2 Electrical fixtures - lines - installation - safe

Electrical fixtures and lines supplying the pool shall be installed or reinstalled to ensure, at all times, the safety of the users of the pool.

865.6.3 Water - filtered - purified - prevention - health hazard

The water in the pool shall be properly filtered and purified so as to present no health hazard.

**Article 7
BUILDING - MAINTENANCE****865.7.1 Foundation - basement - maintained - good repair**

The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound, and where necessary shall be so maintained by shoring of the walls, grouting masonry cracks, parging and waterproofing the walls or floors, and installing subsoil drains at footing levels.

865.7.2 Structure - maintained - structurally sound

Every part of a property 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.

865.7.3 Deterioration - repaired - replaced - as required

Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

865.7.4 Exterior surface - maintained - protective coating

All exterior surfaces shall be of materials which provide adequate protection from the weather.

865.7.5 Exterior surface - free from loose - rotten material

The exterior walls, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

865.7.6 Exterior surface - maintenance - requirements

The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and insects, and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of the joints and walls.

865.7.7 Roof - maintained - watertight

A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent the leakage of water into the dwelling.

865.7.8 Roof - ice and snow - removal

Dangerous accumulations of ice and snow shall be removed from roofs with a slippery surface.

865.7.9 Roof - snow - adjacent property

Removal of snow, ice or sliding snow or ice from any roof of a building shall not affect the adjacent property.

865.7.10 Moisture - prevention - interior

The interior floors, ceilings and walls of all property shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor.

865.7.11 Windows - doors - maintained - prevention - drafts

Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the property.

865.7.12 Windows - doors - broken - rotten - repaired - replaced

Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

865.7.13 Windows - doors - lockable

All windows intended to be openable and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit.

865.7.14 Stairs - porches - maintained - free from hazard

Inside or outside stairs and porches shall be maintained so as to be free of defects which may constitute possible accident hazards and all treads or risers that are broken, rotten or deteriorated shall be repaired or replaced.

865.7.15 Wall - ceiling - free from holes - loose coverings

Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings or other defects which would permit flame or excessive heat to enter any concealed space.

865.7.16 Exit - minimum - one - each dwelling - separate

Where there is one or more dwelling units in a residential property, each dwelling unit shall have:

- (a) one exit that serves only the one dwelling unit; or
- (b) at least two separate and independent exits:
 - i) both of which are common to two or more dwelling units; or
 - ii) one of which is common to two or more dwelling units and the other of which is an approved exterior stair.

865.7.17 Exit - through garage - other dwelling - prohibited

An exit as required in Section 865.7.14 (a) shall not pass through:

- (a) an attached garage; or
- (b) a room or dwelling unit not under the immediate control of the occupants.

865.7.18 Exit - commercial - industrial building - number - size

All commercial and industrial buildings shall be provided with exits of adequate and safe size and number.

865.7.19 Floor - free from defects - prevention - accident

Every floor shall be maintained so as to be free of all defects that might cause an accident or allow dirt to accumulate, and all defective floor boards shall be repaired.

865.7.20 Floor - bathroom - water-repellent material

Every bathroom, toilet room and shower room shall have a floor of water-repellent material.

865.7.21 Interior - clean - sanitary - prevention - hazards

Every floor, wall, ceiling, fixture and appliance in a property shall be maintained in a clean and sanitary condition, and the property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.

865.7.22 Water - potable - supply - adequate - approved

Every dwelling, dwelling unit, commercial or industrial building shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

865.7.23 Water - hot - cold - adequate - provided

Every sink, washbasin, bathtub or shower required by this Chapter shall have an adequate supply of hot and cold running water.

865.7.24 Water - water closet - adequate supply - provided

Adequate running water shall be supplied to every water closet in every dwelling, dwelling unit, commercial or industrial building.

865.7.25 Sanitary facilities - connection - sewerage system

All sanitary facilities shall be connected to the municipal sanitary sewerage system or a system approved by the Medical Officer of Health.

865.7.26 Plumbing - good working order - free from leaks

The plumbing system in every building shall be maintained in good working order and free from leaks and defects.

865.7.27 Plumbing - protection from freezing

All water pipes and appurtenances thereto shall be protected from freezing.

865.7.28 Plumbing - connection - sewerage system

All plumbing fixtures shall be connected to the sewerage system through water seal traps.

865.7.29 Window - requirement - habitable rooms - calculation

Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than 10 percent of the floor area of such rooms.

865.7.30 Glass area - sash door - considered window

The glass area of a sash door may be considered as a portion of the required window area set out in Section 865.7.27.

865.7.31 Stairways - halls - multiple dwelling - illuminated

All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

865.7.32 Garage - gases - prevention of entry - habitable areas

Garages and carports shall be so constructed as to prevent noxious gases from entering the habitable areas of the residential unit.

865.7.33 Garage - floor - maintained - good repair

Garages and carport floors shall be maintained in good repair and free from accident hazards.

Article 8**TOILET - KITCHEN - BATHROOM FACILITIES****865.8.1 Dwelling unit - minimum - requirement**

Every dwelling unit shall contain plumbing fixtures consisting of at least:

- (a) a water closet;
- (b) a kitchen sink;
- (c) a washbasin; and

- (d) a bathtub and/or shower.

865.8.2 Commercial - industrial buildings - requirements

Every commercial and industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.

865.8.3 Location - accessible - within building

All bathrooms and toilet rooms shall be located within and accessible from within the building and within the dwelling unit which it serves.

865.8.4 Privacy - provided - room enclosed

All bathroom and toilet rooms shall be fully enclosed with permanent walls so as to provide privacy.

865.8.5 Wash basin - requirement

The wash basin shall be located in the same room as the water closet.

865.8.6 Dwelling unit - minimum requirements

Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water where available, storage facilities, a counter top work area, and space for a stove and refrigerator.

865.8.7 Cooking fuel - adequate

Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.

865.8.8 Cooking surface - minimum clearance

There shall be at least 75.0 centimetres clear space above any exposed cooking surface.

**Article 9
HEATING SYSTEMS**

865.9.1 Suitable facilities - required

Every property shall be provided with suitable heating facilities.

865.9.2 Maintained - good repair - capacity

The required heating system shall be maintained in good working condition so as to be capable of heating the property safely.

865.9.3 Room heater - location - prevention - fire - movement

No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located.

865.9.4 Furnace room - required - multiple dwellings

Where a building contains two or more dwelling units, fuel-fired-heating appliances shall be located, enclosed or separated from the remainder of the building in conformance with the Ontario Building Code.

865.9.5 Ventilation - chimney - required

Any heating or cooking apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smokepipe, ventpipe or similar adequate chimney approved by the Chief of the Fire Department or his or her agent.

Article 10 ELECTRICAL SERVICES

865.10.1 Compliance - Ontario Hydro - O.W.L.P.C.

Where available, electrical facilities complying with the requirements of the Ontario Hydro and the Orillia Water, Light and Power Commission shall be provided for all properties.

865.10.2 Wiring - existing - serviceable - safe condition

Existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by the Ontario Hydro and the Orillia Water, Light and Power Commission.

865.10.3 Outlets - minimum requirements - each room

In every dwelling unit, every habitable room except for a kitchen, shall contain at least one electrical duplex convenience outlet.

865.10.4 Outlets - additional requirements

There shall be an additional duplex convenience outlet, as set out in Section 865.10.3, for each 9.0 square meters of floor area in excess of 11.0 square meters.

865.10.5 Outlets - minimum requirements - kitchen

Every kitchen shall have at least two electrical duplex convenience outlets which shall be on separate circuits.

865.10.6 Fuses - overload devices - limitation

Fuses or overload devices shall not exceed limits set by the Hydro Electrical Power Commission of Ontario.

865.10.7 Light fixtures - required - rooms - set out

An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hall and in a stairway which is not otherwise lighted.

865.10.8 Supply - adequate - all areas

An adequate supply of electrical power shall be available at all times in all parts of every occupied dwelling, except where the lease makes the tenant responsible for the supply of electricity and where the supplier has discontinued the service because of arrears in payment.

865.10.9 Extension cords - use - permanent basis - prohibited

Extension cords shall not be used on a permanent or semi-permanent basis in any dwelling or dwelling unit.

865.10.10 Heating - residential - regulated - C.S.A.

Residential electric heating shall be regulated by Canadian Standards Association standards.

Article 11 VENTILATION

865.11.1 Natural opening - unobstructed

Every habitable room shall have an opening or openings for natural ventilation and such openings shall have an adequate aggregate unobstructed free flow area.

865.11.2 Natural opening - not required - mechanical provided

An opening for natural ventilation may be omitted from a kitchen, livingroom or living/dining-room if mechanical ventilation is provided, which changes the air once each hour.

865.11.3 Bathroom - toilet - natural or mechanical required

Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation which operates on a switch.

865.11.4 Basement - unheated - crawl space - adequately vented

Every basement and unheated crawl space shall be adequately vented to the outside air.

**Article 12
OCCUPANCY STANDARDS****865.12.1 Use - non-habitable room - as dwelling - prohibited**

No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

865.12.2 Occupancy - maximum - calculation

The maximum number of occupants in a dwelling unit shall not exceed one person per 9.0 square metres of habitable room floor area.

865.12.3 Occupancy - calculation - exemption

Any child under one year of age shall not be counted when computing the number of occupants for the purposes of Section 865.12.2.

865.12.4 Child - deemed - one-half person - age range

Any child over one year, but less than twelve years shall be deemed one-half person for the purposes of Section 865.12.2.

**Article 13
OCCUPANT/OWNER - RESPONSIBILITY****865.13.1 Compliance - standards**

Every occupant/owner of a property shall, insofar as that part of the property which he or she occupies and controls, comply with all standards prescribed in this Chapter.

865.13.2 Occupancy - limitation - compliance

Every occupant/owner of a property shall limit occupancy of that part of the premises which he or she occupies or controls to the maximum permitted by this Chapter.

865.13.3 Premises - maintained - clean - sanitary - safe

Every occupant/owner of a property shall maintain that part of the premises which he or she occupies or controls in a clean, sanitary and safe condition.

865.13.4 Fixtures - appliances - clean - sanitary - operational

Every occupant/owner of a property shall maintain or cause to be maintained all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he or she occupies or controls in a clean and sanitary condition and shall exercise reasonable care in the operation and use thereof.

865.13.5 Exit - maintained - clean - unencumbered

Every occupant/owner of a property shall keep exits from his or her dwelling unit clean and unencumbered.

865.13.6 Garbage - disposal - requirements

Every occupant/owner of a property shall dispose of garbage and refuse into provided facilities in a clean and sanitary manner, in accordance with the provisions of the applicable by-laws of the Corporation.

865.13.7 Yards - maintained - clean - safe - free from infestation

Every occupant/owner of a property shall maintain yards in a clean, sanitary and safe condition and free from infestation insofar as said occupant occupies or controls said yards and any parts thereof.

Article 14**VACANT AND/OR DAMAGED BUILDINGS****865.14.1 Openings - secured - prevent authorized entry**

Where any building or structure forming part of a property is vacant or is damaged by accident, storm, fire, neglect or otherwise, the owner shall prevent the entry of unauthorized persons by closing and securing openings to the building or structure.

865.14.2 Openings - maintained - requirements

For the purposes of Section 865.14.1, openings are required to be maintained so as to properly perform their intended function and secured from unauthorized entry, or entry shall be prevented by closing and securing an opening with:

- (a) wood sheathing of at least 12.7 millimetres plywood (or equivalent product) which is weather resistant, completely covers the opening, and is securely fastened to the building or structure; or
- (b) metal sheathing which is weather resistant, completely covers the opening, where possible, is installed within the reveal of the exterior cladding, and is securely fastened to the building or structure; or
- (c) brick or concrete block and mortar which completely covers the opening, and is securely fastened to the building or structure.

865.14.3 Openings - order - more secure option

At any time where there are circumstances to support a more secure option to comply with Section 865.14.2, the owner shall supply such more secure option as may be required by an order made pursuant to Section 15.2 of the *Building Code Act*.

**Article 15
ORDERS****865.15.1 Order - issued**

Every officer who finds that a property does not conform with any of the standards prescribed in this Chapter, may make an order pursuant to the provisions of Section 15.2 of the *Building Code Act*:

- (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, structures, debris or refuse and left in a graded and leveled condition.

865.15.2 Order - appeal

Where a person is served with an order under section 15.2(2) of the *Building Code Act*, and wishes to appeal the contents of the order, they may file an appeal by:

- (a) sending a Notice of Appeal to the secretary of the Property Standards Committee; and
- (b) such Notice sent by Registered mail within 14 days of the order being served.

865.15.3 Order - confirmed

Every order shall be deemed confirmed where an appeal has not been filed within the prescribed period.

865.15.4 Order - compliance

Every person to whom an order is issued shall, where the order has been confirmed, comply with the requirements and/or conditions of the order by the prescribed date.

865.15.5 Order - failure to comply

Failure to comply with the requirements of an order shall constitute an offence pursuant to section 36 of the *Building Code Act*, S.O. 1992, c.23, as amended.

865.15.6 Municipality - work to be done

If an order of an officer under Section 15.2(2) of the *Building Code Act* is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a Judge, the City may cause the property to be repaired or demolished accordingly.

865.15.7 Municipality - recovery of costs

All costs incurred by the City under Section 865.14.6 may be recovered as taxes upon the property.

**Article 16
ENFORCEMENT****865.16.1 Fine for contravention**

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with section 36 of the *Building Code Act*, S.O. 1992, c.23, as amended, for each offence committed.

**Article 17
REPEAL****865.17.1 By-law previous**

By-law 1979-107, as amended, is hereby repealed.

**Article 18
ENACTMENT****865.18.1 Effective date**

This Chapter shall come into force and take effect as of the date of the final passing of the enabling by-law.

Adopting By-law: By-law 1979-107, 13 August 1979.

By-law Amendments: By-law 1982-202, 31 May 1982; By-law 1984-50, 14 May 1984; By-law 1994-23, 10 January 1994; By-law 1994-24, 10 January 1994.

Repealed and Replaced: By-law 1999-87, 14 June 1999.

By-law Amendments: By-law 2010-135, 20 September 2010; By-law 2013-114, 15 August 2013; By-law 2014-108, 15 December 2014.