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## The Corporation of the Municipality of Clarington By-Law 2007-070 Office Consolidation

Being a by-law for prescribing standards for the maintenance and occupancy of all property within the Municipality of Clarington and repealing By-law 98-123.

Passed, by Council, on: April 7, 2007

Consolidated as of: February 6, 2024

Amendments:

Amending By-law	Date	Amendment Details
2011-025	March 7, 2007	Delete Sections 2.08 up to and including 2.12 and add new Sections
2017-030	March 20, 2017	From Report PSD-020-17, Delete Section 1.13 defining "Designated Heritage Building"; Replace "Designated Heritage Buildings" section; and renumber sections.
2020-070	November 3, 2020	Add Section 3.69 Nuisance Lighting
2021-029	March 1, 2021	Add Section 5.15
2024-002		Add Sections 3.07 and 3.08 Remainder Sections renumbered accordingly

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# THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

## BY-LAW NO. 2007-070

Being a by-law for prescribing standards for the maintenance and occupancy of all property within the Municipality of Clarington and repealing By-law 98-123.

Whereas the Council of the Corporation of the Municipality of Clarington deems it desirable to enact a by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to these standards; and for requiring property below the standards prescribed herein to be repaired and maintained and all contravening material to be removed from the property including but not limited to all buildings and structures, rubbish, debris and the lands left in a graded and level condition, so as to comply with said standards;

And whereas the Municipality of Clarington has in effect an "Official Plan" that includes provisions relating to property standards as provided in the *Building Code Act, SO. 1992, c.23*;

Now therefore the Council of the Corporation of the Municipality of Clarington enacts the following:

### Part 1

#### Definitions

In this by-law:

- 1.01 **"Accessory Building"** means a detached building or structure, not used for human habitation that is subordinate to the lawful primary use of the main building or structure on the said property.
- 1.02 **"Actively"** when used in relation to restoration or repair shall mean a continuous series of repairs or improvements occurring over a 12 month period;
- 1.03 **"Antique motor vehicle"** means a motor vehicle that is 30 years of age or older, is owned as a collector's item, registered with a bonafide organization and is operated solely for use in exhibitions, club activities, parades and other similar functions and is not used for general transportation;
- 1.04 **"Apartment Building"** means a building containing more than four dwelling units with individual access from an internal corridor system.

- 1.05 **"Approved,"** means acceptance by the Property Standards Officer.
- 1.06 **"Balustrade,"** means a railing supported by a series of short posts forming an ornamental parapet to a balcony or terrace.
- 1.07 **"Basement"** means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade.
- 1.08 **"Building"** means a building as defined in the *Building Code Act S.O. 1992* or a structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy and shall include a tent or carport.
- 1.09 **"Cellar"** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average exterior finished grade.
- 1.10 **"Committee"** means the Property Standards Committee.
- 1.11 **"Derelict"** shall mean any vehicle, machinery, trailer, boat or vessel
- 1) which has broken or missing parts of such sufficiency so as to render it incapable of being licenced to operate (where such licencing is necessary) in its current condition but shall not include a motor vehicle actively being repaired or restored by the owner; or
  - 2) which is in a wrecked, dismantled, discarded, inoperative or abandoned condition.
- 1.12 **"Derelict motor vehicle"** means a motor vehicle as defined in the *Highway Traffic Act* that is;
- 1) inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation,
  - 2) not in roadworthy condition;
  - 3) in a state of disrepair or unsightly by reason of missing doors, glass or body parts, or
  - 4) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licenced mechanic;
- but does not include an antique or historic motor vehicle which is actively being restored as a collector's or historic vehicle;

- 1.13 **"Dwelling"** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation.
- 1.14 **"Dwelling Unit"** means a room or a suite of rooms operated as a 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, sleeping, and sanitary facilities.
- 1.15 **"First Storey"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 feet) above grade.
- 1.16 **"Guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, landing, balcony, mezzanine, gallery, raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.
- 1.17 **"Habitable Room"** means any room in a dwelling unit that is designed, used or intended to be used for living, cooking, sleeping or eating purposes.
- 1.18 **"Historic vehicle"** means, a motor vehicle that is,
- 1) at least 30 years old; and
  - 2) substantially unchanged or unmodified from the original manufacturer's product; and
  - 3) appropriately insured for storage or use on the highway. Proof of such insurance shall be made available to the officer upon request.
- 1.19 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.20 **"Multiple Dwelling"** means a building containing three or more dwelling units.
- 1.21 **"Municipal Clerk"** shall mean the Clerk of the Corporation of the Municipality of Clarington.
- 1.22 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, foyer, corridor, stairway, closet, boiler, furnace or electrical room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.

- 1.23 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.24 **"Occupant"** means any person or persons over the age of eighteen years in possession of the property.
- 1.25 **"Officer"** means a Municipal Law Enforcement Officer assigned the responsibility for enforcing and administering this By-law as a Property Standards Officer.
- 1.26 **"Order Requiring Compliance"** shall mean a Property Standards Order issued pursuant to the provisions of Section 15.2 of the *Ontario Building Code Act S.O. 1992*.
- 1.27 **"Order"** shall mean either an Order Requiring Compliance or an Order issued pursuant to section 15.8 of the *Ontario Building Code Act S.O. 1992*.
- 1.28 **"Owner"** means any person(s), for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee, tenant or occupant of the property who under the terms of the lease or other rental agreement is required to repair and maintain the property in accordance with the Standards of Maintenance and Occupancy of the property and may include all other persons having a legal interest in the property.
- 1.29 **"Person"** means a natural person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators or other legal representative of a person to whom the context can apply according to the law.
- 1.30 **"Property"** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, and includes vacant property.
- 1.31 **"Repair"** includes the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this By-law.
- 1.32 **"Residential Property"** means 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 includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

- 1.33 **“Roadworthy”** when used in reference to a motor vehicle, means a motor vehicle that is licensed or is eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle.
- 1.34 **“Sewage”** means the liquid wastes from residential or other buildings, including industrial establishments.
- 1.35 **“Sewage System”** means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.
- 1.36 **“Standards”** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.37 **“Toilet Room”** means a room containing a water closet and a wash basin.
- 1.38 **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.1.39
- 1.39 **“Yard”** means the privately owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.
- 1.40 **“Zoning By-law”** shall mean the current applicable Zoning By-law of the Municipality of Clarington.

## Part 2

### General Standards for All Property

- 2.01 All repairs and maintenance as required by this By-law shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the *Ontario Building Code* or other such Codes or requirements where applicable.

#### Yards

- 2.02 All yards and vacant lots shall be kept clean and free from:
- 1) rubbish or debris;
  - 2) objects or conditions that might create a health, fire, or accident hazard;

- 3) all derelict machinery, vehicles, trailers, boats or vessels and any component parts thereof unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - 4) all derelict motor vehicles whether exposed to view or covered over by means of a tarpaulin or other cover;
  - 5) long grass, brush, undergrowth and overgrown trees, which may cause a hazard;
  - 6) dilapidated, collapsed or partially constructed structures;
  - 7) any unprotected well, pit, trench or other similar unsafe condition;
  - 8) injurious insects, termites, rodents, vermin or other pests;
  - 9) dead, decayed or damaged trees or other natural growth;
  - 10) limbs and branches of trees which have, in whole or in part, become removed or broken off as a result of wind, lightning, snow or other natural act; and
  - 11) any unsightly condition out of character with the surrounding environment
- 2.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of the lawfully permitted industrial or commercial aspect of any property shall:
- 1) be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition; and
  - 2) provide unobstructed access for emergency vehicles.
- 2.04 Where conditions as set out in section 2.03 above are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and not greater than 2.6 metres (8.5 feet) and maintained in good repair. This provision shall not apply to areas covered by a Site Plan Agreement.
- 2.05 On residentially zoned lands no machinery or parts thereof, or other objects, or materials, not associated with the normal occupancy and use of the property, including among other things, appliances and furniture not intended for outdoor use, fixtures, paper, cartons, boxes, barrels, buckets, plastic tarpaulin, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior yard.

## Surface Conditions

- 2.06 Surface conditions of yards shall be maintained so as to:
- 1) prevent ponding of storm water;
  - 2) prevent instability or erosion of soil;
  - 3) prevent surface water run-off from entering basements of buildings on the property or onto or into that of any neighbouring property;
  - 4) not exhibit an unsightly appearance;
  - 5) be kept free of garbage and refuse;
  - 6) be kept free of deep ruts and holes;
  - 7) provide for safe passage under normal use and weather conditions, day or night.
- 2.07 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding.

## Sewage

- 2.08 Sewage shall be discharged into the sewage system.
- 2.09 Sewage shall not be discharged onto the surface of the ground.
- 2.10 All elements of the sewage system, including but not limited to, weeping tiles, septic beds and septic tanks shall be maintained in proper working order and drained, cleaned out or replaced as required.

## Drainage

- 2.11 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent property.
- 2.12 (1) Subject to subsection (2), downspouts used in conjunction with roof drainage shall be no less than 30cm (1foot) from any shared lot line.
- (2) Where there is no drainage swale located on the shared lot line or where the downspout is within 30 cm (1 foot) of the shared lot line, all water drainage shall be directed parallel to the lot line.



## Parking Areas, Walks and Driveways

- 2.13 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.
- 2.14 Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 2.15 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.
- 2.16 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.

## Accessory Buildings, Fences, and Other Structures

- 2.17 Accessory buildings and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.18 Fences shall be maintained in structurally sound condition and in good repair and shall comply with the restrictions and conditions of the Clarington Fence By-law.
- 2.19 Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

## Garbage Disposal

- 2.20 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 2.21 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Region of Durham's waste management regulations.
- 2.22 Where facilities are provided for the storage of garbage, refuse and recyclable materials, all such material shall be stored therein.

- 2.23 Garbage storage areas shall be screened from public view and capable of being secured to prevent unauthorized entrance. This section shall not apply to single or semi-detached residential properties.
- 2.24 Garbage items shall be stored in such a manner as to discourage the harborage of rodents, insects, vermin and other pests.

## Compost

- 2.25 The occupant of a residential property may provide for a compost heap in accordance with health regulations, provided that the compost pile is no larger than 2.3 square metres (25 square feet) and 1.2 metres (4 feet) in height and is enclosed on all sides by concrete block, or lumber, or in a 170 litre (45 gallon) container, or a commercial plastic enclosed container designed for composting.

## Part 3

### Building Standards

#### General Conditions

- 3.01 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.
- 3.02 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.
- 3.03 Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.
- 3.04 The accumulation or storage of garbage, refuse, appliances or furniture which is not meant for outdoor use shall not be stored on any porch, deck, stoop, verandah, balcony or patio that may be visible to any person beyond the said property line.

## Pest Prevention

- 3.05 Buildings shall be kept free of rodents, vermin, insects and the presence of their nests, droppings and chew holes at all times. Where evidence of said items are apparent, methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act R.S.O. 1990, c. P.11* and the responsibility for such extermination shall rest with the owner of the property unless otherwise stipulated in the lease or rental agreement.
- 3.06 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.
- 3.07 All yards, vacant lots, and all property shall be kept free of conditions that may attract rodents, insects, vermin and other pests. This includes but is not limited to throwing or placing, or permitting to be thrown or placed, any type of food, for the purposes of feeding wildlife, and the storage of garbage or debris in a manner that attracts rodents, insects, vermin or other pests.
- 3.08 Notwithstanding Section 3.07, the feeding of songbirds is permitted provided:
- a) The birdfeed is limited to seeds, nuts, grains, fruit, or nectar;
  - b) The feeding is accomplished by the use of a bird feeding device that is suspended or elevated above the ground and not readily accessible by animals other than songbirds;
  - c) spilled feed is not permitted to accumulate and is cleared in a timely manner.

## Structural Soundness

- 3.09 Every part of a building and every accessory building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the *Ontario Building Code*.
- 3.10 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 3.11 All overhang extensions including but not limited to canopies, marques, signs, metal awnings, fire escapes, stand pipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition.

## Weather Proofing

- 3.12 Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the *Ontario Building Code*.

## Foundations

- 3.13 Foundation walls of all buildings shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes but is not limited to the shoring of the walls to prevent settling, installing sub soil drains, when necessary, grouting masonry cracks, waterproofing walls, joints, and floors.
- 3.14 Every building, except for slab on grade construction, shall be supported by foundation walls or piers that extend below the frost line, or to solid rock.

## Exterior Walls

- 3.15 Exterior walls of buildings and their components, including eaves, soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry, stucco, and other defective cladding, or trim. Paint or other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.16 Exterior walls of all buildings and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

## Windows and Doors

- 3.17 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair and good working order, weather tight, 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.
- 3.18 All windows, skylights, and basement or cellar hatchways which are designed to be capable of opening and closing shall be maintained so that the tenant is capable of operating it without restriction.

- 3.19 Notwithstanding section 3.16, every window in a leased or rented dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 3.20 In a dwelling unit, all windows and skylights that are intended to be opened and all exterior doors and hatchways 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.
- 3.21 Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.22 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, the said system shall be maintained in good working order at all times.

## Roofs

- 3.23 Roofs of buildings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials. Shingles or other coverings which exhibit excessive deterioration shall be replaced as required.
- 3.24 Accumulations of ice and/or snow shall be promptly removed from the roofs of buildings and accessory buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.
- 3.25 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions or blockages and properly secured to the building and appropriately sloped to allow for proper water drainage.

## Walls, Ceilings and Floors

- 3.26 Every wall, ceiling and floor in a building 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.
- 3.27 Every floor in a building shall be reasonably smooth and level and maintained so as to be free of 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.

- 3.28 Every floor in a bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

### Stairs, Porches and Balconies

- 3.29 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.
- 3.30 Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

### Guardrails and Balustrades

- 3.31 A balustrade 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). 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 rigid in nature.

### Kitchens

- 3.32 Every dwelling shall contain a kitchen area equipped with:
- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - b) hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F)
  - c) suitable storage area
  - d) a counter or work area, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
  - e) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

## Toilet and Bathroom Facilities

- 3.33 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have 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° F). Every water closet shall have a suitable supply of running water.
- 3.34 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door.
- 3.35 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 facilities.

## Plumbing

- 3.36 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.37 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.
- 3.38 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.39 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, extreme corrosion or other defects that may harbor germs or impede thorough cleansing.

## Electrical Service

- 3.40 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.41 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings and all non-residential buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.

- 3.42 All electrical services shall conform to all applicable regulations of the *Electricity Act 1998, S.O. 1998 c. 15* and the *Ontario Electrical Safety Code, Ontario Regulation 164/99* or its successor legislation.
- 3.43 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.44 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.
- 3.45 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

### Heating, Heating Systems, Chimneys and Vents

- 3.46 Every dwelling unit and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 20° Celsius (68° F.) in the occupied dwelling units. The heating system shall be maintained in good working condition and capable of safely heating the individual dwelling units to the required standard on request of the dwelling unit's tenant.
- 3.47 Where the temperature level cannot be controlled by the tenant, the owner shall provide an approved secondary heat source under the tenant's control, which is capable of producing and maintaining the ambient temperature of 20° Celsius within the dwelling unit.
- 3.48 Every non-residential building shall maintain suitable heating facilities to sustain an indoor ambient temperature in accordance with the requirements of the *Occupational Health and Safety Act R.S.O. 1990 c. O.1*.
- 3.49 All fuel burning appliances, equipment, and accessories in all buildings shall be installed and maintained to the standards provided by the applicable provincial legislation.
- 3.50 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.



- 3.51 All fuel burning appliances, equipment, and accessories in all buildings shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.52 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the expelled smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 3.53 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 3.54 Every dwelling shall be so constructed or separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the *Ontario Building Code*.

### Fire Escapes, Alarms and Detectors

- 3.55 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- 3.56 In addition to the provisions of article 3.53 above, in every dwelling unit in a building, a listed “products of combustion” detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The “products of combustion” detector referred to shall be;
- 1) equipped with audio or audio-visual indication that they are in operating condition;
  - 2) mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- 3.57 All buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an operable window or door.

## Egress

- 3.58 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.59 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 metres (42 x 22 inches) with a sill height of not more than 0.914 metres (36 inches) above the inside floor. 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.

## Natural Light

- 3.60 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.
- 3.61 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

## Ventilation

- 3.62 Every habitable room in a dwelling unit, as well as kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet), or an approved system of mechanical ventilation such that it provides hourly air exchanges.
- 3.63 All systems of mechanical ventilation shall be maintained in good working order.
- 3.64 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated so as to prevent the buildup of dampness and mould within the unit.

- 3.65 All structural elements of a dwelling exhibiting signs of mould shall be properly cleaned and, where necessary, replaced in order to eliminate the presence of the mould.

### Elevating Devices

- 3.66 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

### Disconnected Utilities

- 3.67 Owners of residential buildings or any person or persons 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.

### Occupancy Standards

- 3.68 The number of occupants residing on a permanent basis in an individual dwelling unit shall not exceed one person for every 9 square metres of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.
- 3.69 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres and a floor area of at least 7 square metres. A room used for sleeping purposes by two or more persons shall have a floor area of at least 4 square metres per person.
- 3.70 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:
- a) each habitable room shall comply with all the requirements set out in this by-law;
  - b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*;
  - d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

## Nuisance Lighting

- 3.71 Residential exterior lighting fixtures shall be installed and maintained so as to prevent the light from being pointed directly at any other property.

## Part 4

### Special Circumstances

#### Vacant or Damaged Buildings

- 4.01 Vacant buildings shall be 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.
- 4.02 Where any building is vacant, unoccupied, or has been damaged by accident, storm, neglect or other causes or intentional damage, the owner or agent shall protect such building against the risk of accidental or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons to the satisfaction of the Property Standards Officer.
- 4.03 For the purpose of Section 4.02, doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the openings.
- 4.04 Where a vacant or damaged property has not been sufficiently secured, the officer may issue an Order requiring the owner to secure the property in any of the following ways:
- a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
  - b) rigid composite panels, securely fastened to the building;
  - c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
  - d) brick and mortar securely fastened to the building; or
  - e) concrete blocking and mortar securely fastened to the building. The options listed above shall be considered progressively more secure with clause (e) being the most secure. It shall be the officer's discretion to determine the minimum level of security required.

- 4.05 Where it has been shown that a proper level of security has not been achieved, or the owner's control, attendance or lack of security measures to protect the property suggests a more secure option be used, the officer may order the owner to supply more stringent security measures as may be necessary beyond the options listed in subsection 4.04.
- 4.06 Where a building remains vacant for a period of more than ninety (90) days, or in the opinion of the officer further measures are required, the officer shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.
- 4.07 Any such work required under **Part 4** of this by-law shall be done in compliance with the *Ontario Building Code*, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

### Fire Damaged Buildings

- 4.08 Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.
- 4.09 Where a building has been damaged by fire, the officer may order the owner to restore the building to meet the requirements of this by-law and the *Ontario Building Code* and this By-law.
- 4.10 When the fire-damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law and the *Ontario Building Code*.
- 4.11 The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.
- 4.12 Where, in the opinion of the officer, restoration as specified in Section 4.09 is not possible or economically feasible, the officer may order the building demolished.

### Designated Heritage Buildings

#### Definitions

- 4.13 In Sections 4.14 through 4.22 of this by-law:

“**heritage attributes**” has the same meaning as in section 1 of the *Ontario Heritage Act*;

**“heritage property”** means property that has been designated under section 29 or section 34.5 of the *Ontario Heritage Act* or property that is located within an area that has been designated under section 41 of the *Ontario Heritage Act* as a heritage conservation district; and

**“Ontario Heritage Act”** means *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended from time to time.

## General

- 4.14 Despite any provision of this by-law, the *Ontario Building Code* or the *Building Code Act, 1992*, no building or structure located on a heritage property may be altered, demolished, removed, or relocated except in accordance with this by-law and *Ontario Heritage Act* including any permits or permissions required under such Act.
- 4.15 In addition to the minimum standards for the maintenance and occupancy set out elsewhere in this by-law, the owner of a heritage property shall maintain, preserve and protect its heritage attributes.
- 4.16 In the event of conflict between anything in sections 4.13 through 4.24 of this by-law and any other sections of this by-law, Sections 4.13 through 4.24 shall prevail.

## Repair of Heritage Attributes

- 4.17 Where a heritage attribute of a heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired,
- (a) in such a manner that minimizes damage to the heritage attributes and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute; and
  - (b) using the same types of material as the original attribute and in keeping with the design, colour, texture, grain and any other distinctive features of the original attribute.
- 4.18 Where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material will be considered, in consultation with the Clarington Heritage Committee, and approved by the Director of Planning.

## Replacement of Heritage Attributes

- 4.19 Where a heritage attribute of a heritage property cannot be repaired, the heritage attribute shall be replaced in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute, using the same types of material as the original.
- 4.20 Where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used.
- 4.21 Prior to replacing any heritage attribute, the owner of the heritage property shall consult with the Municipality's Heritage Committee.
- 4.22 The removal of the original material shall be documented by photographs, to-scale drawings, and/or any means identified by Municipal staff.

## Vacant Heritage Properties

- 4.23 Notwithstanding Sections 4.01 through 4.07 (VACANT OR DAMAGED BUILDINGS) of this by-law, where a heritage property remains vacant for a period of ninety (90) days or more, the owner shall ensure that all utilities serving the property are properly disconnected, terminated or capped, unless in the opinion of the Director of Planning such utilities (i) are necessary for the safety and security of the property, (ii) provide, maintain and monitor property heating and ventilation, or (iii) are otherwise required by law to remain connected.
- 4.24 Notwithstanding Sections 4.01 through 4.07 (VACANT OR DAMAGED BUILDINGS) of this by-law, the owner of vacant heritage property shall protect all structures and buildings on the property against the risk of fire, weather, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing the buildings and structures in a suitable manner determined by the Director of Planning that may include the following:
- a) Lock all doors and windows and ensure on-going maintenance.
  - b) Post "No Trespassing" signs.
  - c) Post a heritage notice that complies with the Municipality's sign by law that states:

### Heritage Notice

The structure on this property is a designated heritage resource protected under the *Ontario Heritage Act* and applicable municipal law. Please help us conserve our heritage. For more information contact:

Municipal Staff – Heritage at 905-623-3379.

- d) Close all basement hatches, openings, walkways and windows.
- e) Remove ladders, tools, equipment and other materials that might be used to gain interior access.
- f) Remove rubbish, garbage, parts of vehicles and other equipment, discarded furniture, appliances, machinery and debris from inside buildings and structures and from around the property.
- g) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the property.
- h) Significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines and other vegetation on grounds surrounding vacant heritage buildings, structures and other resources shall be maintained and protected at all times in accordance with relevant municipal by-laws.
- i) Chain-off driveways and all other direct means of vehicular access to the property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable.
- j) All boards shall be installed from the exterior and interior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding.
- k) All boards shall be fastened securely in a manner that minimizes damage to the heritage attributes.
- l) All boards used shall be painted in a manner to reflect the panes of glass, frames and muntins that were or are found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and muntins shall be painted in a colour which matches that of the original opening.
- m) All boards not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- n) Temporary metal security fencing may be required around the perimeter of a vacant heritage property. The fence shall be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high security pad locks.



- o) Exterior lighting fixtures may be required to be installed and/or maintained in the front porch, veranda, or area adjacent to the front and rear entrance of the building or structure, and must be activated by motion sensors, and shall maintain an average level of illumination of at least 50 lux at ground level.

## Marijuana Grow Houses and Clandestine Drug Operations

4.25 In the event that an officer has been notified by a police service that a property has been or is being used as either a Marijuana Grow House or a Clandestine Drug Operation facility, the officer shall, in addition to any other action ordered or permitted by law, register any and all Orders issued pursuant to an Order or Orders Requiring Compliance under the authority of section 15.2 of the *Building Code Act, S.O 1992*, against the title of the property at the local Land Registry Office.

4.26 The Order referred to in Section 4.14 shall contain a Schedule which will state:

***“This property has been identified as having been used as a Marijuana Grow Operation (Clandestine Drug Operation facility). Operations of this nature are well known to have detrimental effects on the air quality, electrical systems and structural elements within the structure. It is the opinion of the municipality that this property should not be occupied until all matters referred to in this Order have been addressed and resolved to the satisfaction of the investigating officer.”***

## Part 5

### Administration

#### Complaints

- 5.01 This By-law shall apply to all property within the limits of the municipality and shall be enforced on a written complaint basis only. The written complaint shall include the name, address and telephone number or other contact information of the complainant. Failure to provide the required complainant information shall render the complaint incomplete and it will not be investigated.
- 5.02 Anonymous complaints or third party complaints which attempt to obscure the identity of the complainant will not be investigated.

- 5.03 Where an officer has determined that a complaint has been filed for a malicious or vexatious reason or as part of an ongoing pattern of harassment and does not involve a matter of serious health or safety, the officer may, after conferring and confirming with the Manager of Municipal Law Enforcement, cease the investigation and close the file with no further action taken. The officer shall then advise the complainant of this in writing.
- 5.04 The imperial measurements contained in this By-law are given for reference only.

### Officers

- 5.05 The Council of the Municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.
- 5.06 Unless otherwise specified in their appointment By-laws, the Municipal Law Enforcement Officers are hereby assigned the duties of Property Standards Officers for the Municipality of Clarington.

### Order Requiring Compliance

- 5.07 Where an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make an "Order Requiring Compliance" as provided for in Section 15.2(2) of the *Building Code Act S. O. 1992*.
- 5.08 Where an officer has reason to believe that there is a deficiency in any of the structures or systems, the owner shall, upon receipt of an Order pursuant to Section 15.8 of the *Building Code Act*, provide the officer with a report from the required expert or agency detailing the condition and needed repairs, if any, to the structure or system.

### Property Standards Committee

- 5.09 There shall be and is hereby established a Property Standards Committee consisting of no fewer than five members, who shall be rate payers in the municipality, appointed by By-law to hold office for the term of Council.
- 5.10 A member of the Council of the Municipality or an employee of the Municipality or of a local board thereof is not eligible to be a member of the Committee.
- 5.11 The Committee shall elect from among themselves a Chairman and shall make provision for a Secretary, said Secretary being an employee of the Municipality, but not an officer.
- 5.12 The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.

- 5.13 The rules and practices as set out in Section 15.3 of the *Building Code Act S.O. 1992* shall apply to all Appeal proceedings.
- 5.14 Upon receipt of the Notice of Appeal the Secretary shall arrange for an Appeal hearing to take place not less than seven days and not more than thirty days from the date of receipt of the Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Committee members and the Officer.
- 5.15 A member of the Committee is permitted to participate electronically in a meeting and may be counted in determining whether, or not, a quorum of members is present at any point in time; and

For clarity, a Member of the Committee may also participate electronically in a meeting that is closed to the public, if the meeting is properly held in closed session ( i.e. the deliberations are permitted to be conducted in closed session, moving from open session to closed session, and then rising and reporting, and maintaining minutes of both the closed and open portions of the meeting).

## Part 6

### Enforcement and Enactment

#### Penalty

- 6.01 Every owner or occupant of property shall comply with an Order Requiring Compliance as confirmed or modified. Should the owner or occupant fail to demolish, clean up or repair the property in accordance with an Order Requiring Compliance as confirmed or modified, the municipality may take action as stipulated in Section 15.4 of the *Building Code Act* to bring the property into compliance.
- 6.02 Every owner or occupant of property who fails to comply with an Order issued pursuant to Section 15.8 of the *Building Code Act* is guilty of an offence and subject to the penalties as set out in the *Act*.

#### Validity

- 6.03 Should any section, clause, or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
- 6.04 Where a provision of this By-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

6.05 This By-law may be referred to as “**The Property Standards By-law**”.

### Transitional Provision

6.06 Notwithstanding the provisions of Sections 6.07 and 6.08, after the passing of this By-law, By-law 98-123, as amended, shall apply only to those properties in respect of which an Order has been issued prior to the date of passing of this By-law, and then only to the said properties until such time as all matters relating to such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the Municipality, have been concluded.

### Effective Date of By-Law

6.07 This By-law shall come into force and effect upon the date of its final passage.

### Repeal of Existing By-Law

6.08 Subject to the provisions of Section 6.06, By-law 98-123 and its amendments are hereby repealed.

BY-LAW read a third time and finally passed this 2<sup>nd</sup> day of April, 2007.

ORIGINAL BY-LAW SIGNED