

Consolidated Version – Amended by By-law 4520-2019

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. 4250-2018

BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE COUNTY OF PRINCE EDWARD AND TO REPEAL ALL PREVIOUS BY-LAWS THAT DEAL WITH THIS SUBJECT

WHEREAS Section 15.1 of the Building Code Act, 1992, S.O. 1992, Chapter 23, provides that the council of a municipality may pass a by-law to:

1. Prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

AND WHEREAS the Official Plan of the County of Prince Edward includes provisions relating to property conditions;

AND WHEREAS Section 8(l)(a) of the Order of the Minister of Municipal Affairs and Housing dated March 27, 1997 permits the repeal of any by-law of the former Municipalities within the County of Prince Edward.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PRINCE EDWARD ENACTS AS FOLLOWS:

1. **GENERAL**

1.1 **SHORT TITLE**

This by-law may be cited as the “Property Standards By-Law”.

1.2 **METRIC MEASUREMENTS**

The measurements contained in this by-law are in metric units. For convenience purposes only, imperial units have been included in brackets following the metric units. In no instance should the imperial units be used to determine any requirement of this by-law.

2. DEFINITIONS

In this by-law, unless the context requires otherwise,

- 2.1 **“ACCESSORY BUILDING”** shall mean a building not used for human habitation customarily incidental to and subordinate to the principal use or building and located on the same lot with such principal use or building, and shall include boat houses.
- 2.2 **“BASEMENT”** shall mean that portion of a building located partly underground, which has at least one-half of its height from finished floor to finished ceiling above the average level of the ground adjacent to the exterior walls of the building.
- 2.3 **“BATHROOM”** shall mean a room containing a wash basin and toilet and may include a bathtub or shower.
- 2.4 **“BUILDING”** shall mean a structure consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof.
- 2.5 **“BULK CONTAINER”** shall mean a refuse container emptied by mechanical means without removal from the property.
- 2.6 **“C.S.A.”** shall mean the Canadian Standards Association.
- 2.7 **“CELLAR”** shall mean that portion of a building between located partly or wholly underground which has more than one-half of its height from finished floor to finished ceiling below the average level of the ground adjacent to the exterior walls of the building.
- 2.8 **“COMMITTEE”** shall mean the Property Standards Committee as established under this by-law.
- 2.9 **“DWELLING”** shall mean 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 a building or structure that would be used for such purposes except for its state of disrepair.
- 2.10 **“DWELLING UNIT”** shall mean a building or part of a building that:
- a) consists of a self-contained set of rooms;
 - b) is used or intended to be used for human habitation; and
 - c) contains kitchen, bathroom and toilet facilities that are intended for the use only of the unit.
- 2.12 **“EXTERIOR PROPERTY AREAS”** shall mean the property excluding buildings.
- 2.13 **“FENCE”** shall mean a structure erected as a barrier, enclosure or demarcation outside a building envelope and shall include a privacy screen.
- 2.14 **“GANTRY”** shall mean a frame or platform for carrying a crane or similar structure.
- 2.15 **“GROUND COVER”** shall mean organic or non-organic material applied to prevent erosion of the exterior property area such as concrete, flagstone, gravel, asphalt, or grass.
- 2.16 **“MAINTENANCE”** shall mean the preservation and keeping in repair of a property.

- 2.17 **“MULTIPLE DWELLING”** shall mean a building containing two or more dwelling units other than a semi-detached dwelling.
- 2.18 **“MUNICIPALITY”** shall mean the Municipality of the County of Prince Edward.
- 2.19 **“NOXIOUS WEED”** shall mean any weed classified as noxious under the *Weed Control Act*, R.S.O. 1990, c. W.5, as amended.
- 2.20 **“NUISANCE”** shall mean an injurious, offensive or objectionable condition and includes a condition which is injurious, offensive or obnoxious by reason of the emission of gas, fumes, dust or odour, or the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse, debris or other material.
- 2.21 **“OCCUPANT”** shall mean any person or persons over the age of eighteen years in possession of property.
- 2.22 **“OFFICER”** shall mean a property standards officer, building official or fire prevention officer, who may from time to time be assigned the responsibility of administering and enforcing this by-law.
- 2.23 **“ORDER”** shall mean an Order to Remedy issued under this by-law.
- 2.24 **“OWNER”** shall mean the registered owner of property and for the purposes of this by-law includes the person for the time being paying the municipal real property taxes or managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would 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 the property,
- 2.25 **“PERSON”** shall mean an individual, firm, corporation, association or partnership.
- 2.26 **“PROPERTY”** shall mean a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, vegetation and erections thereon whether heretofore or hereafter erected, and includes a vacant lot.
- 2.27 **“REPAIR”** shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this by-law.
- 2.28 **“RESIDENTIAL RENTAL UNIT”** shall mean a dwelling unit that is occupied by persons other than the owner under rental agreement or lease.
- 2.29 **“RETAINING WALL”** shall mean a structure constructed to hold back, stabilize or support an earthen bank.
- 2.30 **“ROLL-OFF CONTAINER”** shall mean a refuse container which is required to be transported from a property for the purpose of emptying.

- 2.31 **“SIGN”** includes an advertising device or notice and means any medium including its structure and other component parts which is used or capable of being used to attract attention to a specific subject matter other than itself, for identification, information or advertising purposes.
- 2.32 **“STANDARDS”** shall mean the standards of physical condition and occupancy set out in this by-law.
- 2.33 **“STRUCTURE”** shall mean anything that is erected, built or constructed of parts joined together and attached or fixed to the ground.
- 2.34 **“UNOCCUPIED BUILDING”** shall mean a building that is not currently used for the permanent or continuous shelter, accommodation or enclosure of persons, animals or chattels.
- 2.35 **“UNSAFE CONDITION”** shall mean a condition or state of repair that could be hazardous to the health or safety of any person authorized or reasonably expected to be on or near the property in question.
- 2.36 **“VACANT LOT”** shall mean any property that either does not have a building on it or where there is a building, that building is not currently used for the permanent or continuous shelter, accommodation or enclosure of persons, animals or chattels.
- 2.37 **“YARD”** shall mean the land around and appurtenant to all or any part of a property.

3. GENERAL DUTIES AND OBLIGATIONS

- 3.1. No person shall use or occupy or cause or permit the use or occupation of any property that does not conform to the standards prescribed in this by-law.
- 3.2. Every person shall maintain, or cause to be maintained, all systems, facilities and matters referred to in this by-law in good working order, structurally sound and in a good state of repair to the standards prescribed by this by-law.
- 3.3. Every person shall repair or replace, or cause to be repaired or replaced, all systems, facilities and matters referred to in this by-law so that the systems, facilities and matters are in good working order and structurally sound to the standards prescribed in this by-law.
- 3.4. Every person shall make repairs in conformity to the Building Code, the Ontario Water Resources Act, the Fire Code, the Electric Code and any other applicable statutes and regulations.

4. STRUCTURAL ADEQUACY

- 4.1. Every part of a building or structure shall:
- a) safely sustain its own weight and any load to which it might normally be subjected;
 - b) safely accommodate all normal structural movements without damage, decay or deterioration, and

- c) prevent the entry of moisture that would contributed to damage, decay or deterioration.

5. MAINTENANCE OF ACCESSORY AND UNOCCUPIED BUILDINGS AND YARDS

5.1. ACCESSORY BUILDINGS

- 5.1.1. Every owner of an accessory building shall keep it in good repair and free from health, fire and accident hazards.

5.2. UNOCCUPIED BUILDINGS

- 5.2.1. Every owner of an unoccupied building shall protect every such unoccupied building against the risk of fire, accident or other danger and shall secure such unoccupied building to prevent the entrance to it of all unauthorized persons.
- 5.2.2. Every owner of an unoccupied building shall keep it in good repair and free from health, fire and accident hazards.
- 5.2.3. Nothing in this by-law shall require repairs to be carried out inside an unoccupied building or structure or inside an unoccupied part thereof, except as necessary to remedy an unsafe condition.

5.3. DRAINAGE

- 5.3.1. Storm water shall be drained from the yard into drainage swales and conveyed to storm water systems or other approved means so as to prevent recurrent ponding or the entrance of water into a basement or cellar. Storm water shall not be conveyed to neighbouring properties or into the municipal sanitary sewer system.
- 5.3.2. All reasonable means shall be employed to prevent the erosion of the soil in a yard.

5.4. FENCES

- 5.4.1. Every fence shall be kept:
 - a) in good repair, structurally sound and free of hazards;
 - b) constructed and maintained in accordance with the provisions of this By-Law; and
 - c) free from objectionable markings.
- 5.4.2. The provisions of subsection 5.4.1(b) herein shall not apply to fences located within the Agricultural Zone, General Rural Zone, Hazard Zone and the Environmentally Sensitive Area Zone as set out in the Municipality’s Comprehensive Zoning By-Law 1816-2006.
- 5.4.3. Fences in a residential zone shall not be higher than 2 metres (6.5 feet) unless the residential zone abuts commercial, institutional or industrial zone in which case the fence along the abutting property line shall not be higher than 3 metres (10 feet).
- 5.4.4. Fences in a commercial, institutional or industrial zone shall not be higher than 3 metres (10 feet).
- 5.4.5. An outdoor, in-ground swimming pool shall be surrounded by a fence which shall be a minimum of 1.2 metres (4 feet) in height from the ground and set back a minimum of 1.5 metres (5 feet) from the edge of the pool.

5.4.6 No person shall erect a fence or permit a fence to be erected or shall have a fence on his or her property which interferes with or impedes or prevents the safe access from a driveway to a public highway or street.

5.5 GARBAGE DISPOSAL

5.5.1. All garbage, rubbish and other debris from a property shall be properly stored in receptacles and made available for removal or be removed in accordance with the Municipality's by-laws respecting garbage collection.

5.5.2. Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the owner or occupant of the building shall ensure the storage and place for disposal:

- a) is maintained at all times in a litter-free and reasonably odour-free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility; and
- b) is screened from a public highway, street, walkway, park or residential or non-residential property so the refuse is not visible from such locations.

5.5.3 Where an owner or occupant of property uses private containerized garbage pickup, the owner or occupant shall place the containers behind the rear line of the building.

5.5.4 Where an exterior bulk container or roll-off container refuse disposal system is used, the owner or occupant shall:

- a) equip the container with covers or similar devices which shall be readily opened but not left open except when actively being loaded; and
- b) be locked at all times when not in use, so as to prevent unauthorized use of the container; and
- c) ensure the container is large enough to contain all refuse generated by the occupants served between collections; and
- d) not load the container beyond the top of the container.

5.5.5 Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or structure may be placed on the property provided:

- (a) it is removed frequently and in its entirety from the property; and
- (b) it is adequately covered while on site to prevent the material placed inside of it from blowing out; and
- (c) it will not cause risk to the health or safety of any person; and
- (d) the temporary storage is not placed in such a location or in such a manner as to be a nuisance to neighbouring properties.

5.6 PARKING, WALKWAYS AND SAFE PASSAGE

5.6.1 In yards of multiple dwellings and non-residential properties the owner shall:

- a) provide sufficient lighting of exterior areas to afford safe passage for persons using the walkways;
- b) keep and maintain lighting standards and fixtures in safe condition and in good working order;
- c) keep and maintain walkways, driveways, ramps, parking areas and outside stairs and landings clear of snow and ice and take appropriate measures afford safe passage to persons using them.

5.7 YARDS AND VACANT LOTS

5.7.1 The owner or occupant of property shall keep all yards, driveways and parking areas clean and free from rubbish, garbage, brush or other debris and trash and from objects or conditions that might create a health, fire or accident hazard.

5.7.2 No person shall park, store or leave any vehicle, including a trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition in any yard or driveway or parking area. The foregoing shall not prevent the occupant of any premises from repairing one vehicle for non-commercial purposes while such repair is being actively worked on.

5.7.3 The owner or occupant of property shall keep all yards reasonably free of weeds and shall eliminate noxious weeds. Heavy undergrowth shall be controlled by the owner or occupant of property except in those areas designated Environmental Protection or Shore Land where natural vegetation is deemed essential.

5.7.4 The owner or occupant of property shall cut and maintain grass and weeds on yards and vacant lots at a height reasonable in consideration of the location and surroundings of the property.

5.7.5 No person shall have a hedge or bush or tree on his or her property the height or shape of which interferes with or impedes or prevents the safe access from a driveway to a public highway or street.

5.7.6 The owner or occupant of a property shall keep all yards and vacant lots clean and reasonably free from rodents and vermin and from any conditions which might result in the harbouring of rodents and vermin.

5.7.7 The owner or occupant of property shall keep all yards and vacant lots free of:

- a) dilapidated or collapsed buildings or structures;
- b) the accumulation of materials;
- c) inoperative machinery, or any parts thereof; and
- d) any other unsafe or unsightly condition.

5.7.8 The owner or occupant of property shall keep all yards and vacant lots free of holes or excavations or any unprotected wells which might create an unsafe condition.

- 5.7.9 The owner or occupant of property shall protect all yards with suitable ground cover which prevents erosion of the soil.
- 5.7.10 Operative farm machinery, currently being utilized by an ongoing farm operation, may be stored on any yard or vacant lot of property zoned Agricultural or General Rural Zone.
- 5.7.11 Notwithstanding subsection 5.7.7(c), inoperative farm machinery may be stored on property zoned Agricultural or General Rural Zone but shall be stored in such manner as not to be readily visible from a public highway or street.

5.8 **BUFFERING**

- 5.8.1 The owners or occupants of property zoned Commercial, Industrial or Institutional which, because of their use or occupancy or for any other reason, create a nuisance to adjacent premises or to the neighbourhood or to the users of streets or parks, shall buffer the property from such premises or public areas so as to minimize the effect of the nuisance.
- 5.8.2 Without limiting the generality of the foregoing, the buffering referred to in section 5.8.1 may include:
 - a) the provision and maintenance of an effective barrier to prevent wind-blown waste, wrappings, debris and the like from encroaching on the adjacent premises;
 - b) the provision and maintenance of a screen to minimize the visual impact of nuisances to persons standing on the ground adjacent to the property;
 - c) the prevention of lighting and vehicle headlights in parking areas from shining directly into dwelling unit windows; and
 - d) the screening of transformers and other like equipment.

5.9 **RETAINING WALLS**

- 5.9.1 Retaining wall shall be maintained in a structurally sound condition, in good repair and free from hazards.
- 5.9.2 Without restricting the generality of subsection 5.9.1 such maintenance shall include:
 - a) redesigning and rebuilding to the requirements of the Ontario Building Code, as amended, or for a retaining wall not more than one metre in height and adjacent to a public walkway or access to a building, replacing all deteriorated, damaged, misaligned or missing portions of the retaining wall and railings or guards associated therewith;
 - b) installing subsoil drains where required to maintain the stability of the wall;
 - c) grouting masonry cracks; and
 - d) treating the surfaces of the retaining wall with appropriate weather-resistant materials, including paint or other suitable preservatives.

5.10 **GANTRIES AND ANTENNAS**

5.10.1 Gantries, antennas and like structures shall be maintained so as to be:

- a) plumb, unless specifically designed to be other than vertical; and
- b) in good repair, in a rust free condition and free of fire and accident hazards.

5.11 SIGNS

5.11.1 Signs shall be repaired and maintained:

- a) so as not to cause any unsafe condition;
- b) so as to be in a vertical plane unless otherwise erected and approved by the Officer in writing, in which case the sign shall be maintained as erected and approved;
- c) without any visible deterioration of the sign or its structure when viewed from any property other than the property on which the sign is situated; and
- d) to conform in every respect with the requirements of Sign By-law 1122-2003, as amended.

5.11.2 Signs and sign structures that are not in use, are not cared for or have been discarded shall be removed from the property by the owner or occupant or shall be stored within a building.

6 MAINTENANCE OF BUILDINGS AND STRUCTURES

6.1 ROOF

6.1.1 The owner or occupant of property on which a building or structure is located shall maintain and repair the roof of the building or structure in a structurally sound condition, in good repair and free from accident hazards.

6.1.2 The maintenance and repair of roofs over and adjacent to public walkways shall include:

- a) removal of obstructions or loose, unsecured objects and materials;
- b) removal of dangerous accumulations of snow and ice; and
- c) removal of other accident hazards and fire hazards.

6.2 AIR CONDITIONERS

6.2.1 All air conditioners (including heat pumps) shall satisfy applicable C.S.A. standards, shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

6.3 FIRE AND ACCIDENT PREVENTION/DEMOLITION

6.3.1 Where a building or structure is damaged by fire, storm or by other causes, the owner or occupant shall repair or demolish the building or structure in a timely manner.

- 6.3.2 The owner or occupant shall take immediate steps to prevent or remove any condition that might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary repairs or demolition can be carried out.
- 6.3.3 The owner or occupant of any building or structure that is being repaired or demolished shall ensure that:
 - a) the remaining wall or walls are structurally sound and weather-tight; and
 - b) any remaining former party walls are left structurally sound and weather-tight, whether or not such former party wall or walls are separately or jointly owned.
- 6.3.4 After completion of demolition, the yard shall be left free from holes or excavations, debris or refuse, and covered with suitable ground cover so as to prevent ponding or soil erosion.
- 6.3.5 Materials of a flammable nature shall be safely stored or removed at once from the property.

6.4 RESIDENTIAL RENTAL UNITS

- 6.4.1 Residential Rental Units must comply with the standards set out in Ontario Regulation 517/06: Maintenance Standards, as amended, under the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as amended.
- 6.4.2 Where there is a conflict between the provisions of this By-Law and the standards set out in Ontario Regulation 517/06: Maintenance Standards, as amended, the provisions of Ontario Regulation 517/06: Maintenance Standards, as amended, shall apply to Residential Rental Units.
- 6.4.3 All Residential Dwelling Units must comply with the standards set out in Ontario Regulation 517/06: Maintenance Standards, as amended, under the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as amended.

6.5 SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT DWELLING UNITS - by By-law 4520-2019

- 6.5.1 All Short Term Accommodation and Commercial Resort Dwelling Units must comply with the standards set out in Ontario Regulation 517/06: Maintenance Standards, as amended, under the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as amended.
- 6.5.2 All Short Term Accommodation and Commercial Resort Dwelling Unit must comply with the following Occupancy Standards:
 - a) A non-habitable room shall not be used as a habitable room.
 - b) No kitchen shall be used as a bedroom.
 - c) The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
 - d) Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches).

- 6.5.3 No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
- a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b) each habitable room shall comply with all the requirements for ingress, egress, light ventilation and ceiling height as set out in the Maintenance Standards and this By-law;
 - c) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.
- 6.5.4 The maximum number of occupants within a dwelling unit being operated as a short term accommodation shall not exceed a total number based upon two (2) persons per bedroom or sleeping area, and where the dwelling is serviced by an on-site sewage system, the number of bedrooms or sleeping areas shall not exceed the design capacity of the sewage system.

7 ADMINISTRATION

7.1 APPLICATION OF BY-LAW

- 7.1.1 This by-law shall apply to all property within the Municipality and to any building or structure, whether constructed before or after the passage of this by-law.
- 7.1.2 Where a provision of this by-law conflicts with a provision of another by-law in force in the Municipality, the provision that establishes the higher standards to protect the health, safety and welfare of the general public shall prevail.

7.2 PROPERTY STANDARDS COMMITTEE

- 7.2.1 This by-law shall be administered by the Committee composed of three persons who are not currently Councillors to be appointed by Council for the Term of Council.
- 7.2.2 Upon a vacancy occurring in the membership of the Committee this vacancy shall be filled by Council forthwith.
- 7.2.3 The members of the Committee shall be paid such compensation as Council may determine.
- 7.2.4 The members of the Committee shall elect a chairperson from among themselves. When the chairperson is absent from any Committee meeting through illness or otherwise the Committee may appoint another member as acting chairperson.
- 7.2.5 A majority of the members of the Committee constitutes a quorum for transacting the Committee's business.
- 7.2.6 The members of the Committee shall appoint a secretary for the Committee who shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting these applications. The provisions

of the *Municipal Act, 2001*, S.O.2001, c. 25, as amended, applies with necessary modifications to the keeping of minutes and records of the Committee.

7.2.7 The Committee may adopt its own rules of procedure and any member may administer oaths.

7.2.8 Despite section 7.2.7, prior to hearing an appeal the Committee shall give notice or direct that notice be given of the hearing of the appeal to such persons as the Committee considers advisable.

7.3 PROPERTY STANDARDS OFFICER

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

- a) whether the property conform with the standards prescribed in this by-law; or
- b) whether an Order issued under Section 7.4 has been complied with.

7.3.2 An Officer shall not enter or remain in any room or place actually being used as a dwelling unless the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, except under the authority of a search warrant issued under Section 21 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended.

7.4 ORDER TO REMEDY

7.4.1 An Officer may issue an Order (Form 1) with regard to a property that does not conform with the standards prescribed by this by-law.

7.4.2 An Order may require a property that does not conform with the standards to be repaired and maintained to conform with the standards, or the site to be cleared of all buildings, structures debris or refuse and left in a graded and levelled condition.

7.4.3 An Order may provide that if it is not complied with, the occupancy or use of such property may be prohibited.

7.4.4 The Order shall be served in the manner provided in subsection 15.2(3) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended.

7.4.5 An Officer may place or may cause to be placed in a prominent position on the exterior of any building a copy of the Order.

7.5 REGISTRATION AND DISCHARGE OF ORDER

7.5.1 An Order made under Section 7.4 of this by-law may be registered in the proper Land Registry or Land Titles Office and, upon registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was served.

- 7.5.2 When the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry or Land Titles Office a certificate that such requirements have been satisfied.

7.6 COMPLIANCE WITH ORDER

- 7.6.1 Where no appeal is taken, or after all appeals are completed, the Order as confirmed or modified shall be final and binding upon the owner and occupant who shall make the repair or carry out the demolition or otherwise comply with the Order.

7.7 APPEAL TO PROPERTY STANDARDS COMMITTEE

- 7.7.1 When an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order, he or she may appeal to the Committee by sending a Notice of Appeal (Form 2) by registered mail to the secretary of the Committee within fourteen (14) days after service of the Order .

7.8 HEARING OF APPEAL

- 7.8.1 Where a Notice of Appeal has been filed with the secretary of the Committee within the prescribed time, the Committee shall hear the appeal within thirty (30) days after receipt of the Notice of Appeal by the secretary.
- 7.8.2 Notice of Hearing of Appeal (Form 3) by the Committee of an appeal shall be served by the secretary by registered mail or by personal service upon the appellant(s) and upon any other person(s) that the Committee may direct.
- 7.8.3 On an appeal, the Committee shall have all the powers and functions of the Officer and may confirm, modify or rescind the Order or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Municipality's Official Plan are maintained.
- 7.8.4 The decision of the Committee shall be served on the appellant(s) and to any other person(s) that the Committee may direct in accordance with a Notice of Decision (Form 5).
- 7.8.5 Any Notice of Appeal shall be given to the Officer who will also be heard by the Committee.

8 ENFORCEMENT

8.1 POWER OF THE MUNICIPALITY TO REPAIR OR DEMOLISH

- 8.1.1 If an Order is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified, the Municipality may cause the property to be repaired or demolished accordingly, and for this purpose, the employees or agents of the Municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- 8.1.2 The Municipality or any person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under this Section.
- 8.1.3 If any vehicle is removed in accordance with the Municipality's authority under this section is not claimed within thirty (30) days of removal, it shall be sold.

- 8.1.4 The Municipality shall not demolish any building or structure without the approval of Council.
- 8.1.5 Where an Order provides that on non-compliance, the occupancy or use of the property may be prohibited, and the Order is confirmed and not complied with, the Officer may serve a Notice Prohibiting Occupancy or Use (Form 5) on the owner and all persons having an interest in the property requiring that the property be vacated on or before the time specified in the notice and, after such time, the occupancy and use of the property is prohibited until the Order has been complied with to the satisfaction of the Officer.

8.2 PENALTIES

- 8.2.1. Any person who fails to comply with the standards set out in this By-law, may be charged an Administrative Penalty of \$200.00 for a first offence and be subject to a penalty of \$400.00 for any subsequent offences.
- 8.2.2 Any person who fails to comply with a provision of this by-law is guilty of an offence, and upon conviction is subject to a penalty as provided by the Building Code Act, 1992, S.O. 1992, c. 23, as amended.
- 6.3.3 Any person who fails to comply with an order issued under this by-law is guilty of an offence and upon conviction subject to a penalty as provided by the Building Code Act. 1992, S.O. 1992, c.23 as amended.
- 6.3.4 Where the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention or the failure to comply is guilty of an offence and upon conviction is subject to a penalty as provided by the Building Code Act, 1992, S.O. 1992, c. 23, as amended.

9. EMERGENCY PROCEDURES

9.1 EMERGENCY ORDER

- 9.1.1. If upon inspection an Officer is satisfied that there is non-conformity with the standards set out in this By-Law to such an extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Emergency Order in accordance with the procedure set out in the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended.

10. SCOPE OF THE BY-LAW

10.1 GENERAL

- 10.1.1 If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.
- 10.1.2 Where any provision of this by-law conflicts with a provision of any other by-law in force in the Municipality, the provision of the by-law that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

10.1.3 The following Schedules form part of this by-law:

Schedule "A" (Form 1)	By-law Tenant Complaint
Schedule "B" (Form 2)	Order to Remedy
Schedule "C" (Form 3)	Notice of Hearing of Appeal
Schedule "D" (Form 4)	Notice of Decision
Schedule "E" (Form 5)	Appeal to Justice
Schedule "F" (Form 6)	Statement of Emergency Measures

10.1.4 The following by-laws are hereby repealed:

By-law 317-1999, By-law 615-2001, and By-law 3543-2015

Read a first, second and third time and finally passed this 12th day of June, 2018.

Kim White, CLERK

Dianne O'Brien, ACTING MAYOR



By-law Services

The Corporation of the County of Prince Edward
Office: 280 Picton Main Street, Picton, ON K0K 2T0
Mailing: 332 Picton Main Street, Picton, ON K0K 2T0
T: 613.476.2148 x 2046 | F: 613.471.2051
bylaw@pecounty.on.ca | www.thecounty.ca

Tenant Complaint about Maintenance

Use this form if you have requested repairs for your rental unit and/or building to your landlord and the repairs have not been addressed in a reasonable amount of time. Before filling out the form, please read the following instructions carefully. Providing insufficient or inaccurate information may result in delays in processing your complaint.

PART I: INSTRUCTIONS

To fill out this form:

1. You must currently reside in the rental unit which is the subject of this form.
2. You need to provide a valid property address, your contact information, and the contact information of your landlord.
3. You should have informed the landlord, property manager or superintendent of the issue in writing and given them a reasonable amount of time to correct the problem. You may be asked to provide proof of such communication.

Please confirm the following:

- I have informed the landlord, property owner or superintendent of the maintenance issue in writing and given them a reasonable amount of time to resolve the issue before submitting this complaint.
- I have included a copy of the documentation used to inform the landlord of the maintenance issue with this form.

Ward in which the rental property is located: _____

PART II: GENERAL INFORMATION (Please type or print clearly)			
Property Information	Property address (e.g. street / lot & concession / emergency number)		
	Unit or Apartment No.	Ward	
Tenant(s) Information	Name of Tenant(s)	E-mail	
	Mailing address		Unit or Apartment No.
	City / Town / Township / Village		Postal Code
	Daytime Phone Number	Evening Phone Number	Fax Number
Landlord(s) Information	Name of Landlord(s)	E-mail	
	Mailing Address		Unit or Apartment No.
	City / Town / Township / Village		Postal Code
	Province / State		Country
	Daytime Phone Number	Evening Phone Number	Fax Number

PART III: BACKGROUND INFORMATION (Please Check Appropriate Boxes)
Does the problem affect just your unit or other areas in the building? <input type="checkbox"/> Unit <input type="checkbox"/> Other areas in building <input type="checkbox"/> Both
In what type of building do you live? <input type="checkbox"/> House <input type="checkbox"/> Rooming House <input type="checkbox"/> Apartment <input type="checkbox"/> Trailer <input type="checkbox"/> Townhouse <input type="checkbox"/> Mobile Home <input type="checkbox"/> Land-lease Community <input type="checkbox"/> Condominium <input type="checkbox"/> Basement Apartment <input type="checkbox"/> Other (please describe):
Generally, where are your maintenance problems? <input type="checkbox"/> Roof <input type="checkbox"/> Basement <input type="checkbox"/> Bathroom <input type="checkbox"/> Living Area <input type="checkbox"/> Kitchen <input type="checkbox"/> Bedroom <input type="checkbox"/> Hallways <input type="checkbox"/> Yard <input type="checkbox"/> Other (please describe):
Have you informed your landlord about the problem? <input type="checkbox"/> Landlord informed in writing <input type="checkbox"/> Landlord informed verbally <input type="checkbox"/> Landlord not informed

PART IV: DETAILS ABOUT YOUR MAINTENANCE COMPLAINT

Please describe your maintenance issue. Check all appropriate boxes.

- Structural elements Plumbing / drainage Electrical Heating Ventilation
 Mechanical Lighting Safety / Security General Maintenance Other

You may elaborate on the maintenance problem you are having using this space. You may attach additional pages, if required.

Part V: Authorization (please ensure that your complaint is dated and signed)

Signature of Tenant or the Tenant's Agent

Date



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Date

Name

Address

Re: Location of complaint

File No: 20XX-

The Corporation of the County of Prince Edward's By-law Enforcement Unit received a written complaint about maintenance at the above-noted property. This property was subsequently inspected and our Officer found that it did not meet the maintenance standards as required by Ontario Regulation 517/06 made under the Residential Tenancies Act, 2006 (the Act). As a result, a Work Order has been issued, which sets out the repair work that must be completed at the property and the time frame(s) for completing the work. A copy of the Work Order is attached.

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order the owner or occupant may appeal to the Property Standards Appeals Committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within **fourteen (14) days** after service of the order, and, in the event that no appeal is taken, the order shall be deemed to be final and binding.

The property will be re-inspected on or shortly after the compliance period noted in the Work Order to determine if the defects have been corrected.

Please note that it is an offence under the Act not to comply with the terms of a Provincial Work Order. If a landlord is found guilty of an offence, the penalty upon conviction is a fine of not more than \$25,000 for an individual and not more than \$100,000 for a corporation.

When all the items on the Work Order have been completed, please advise us in writing so that we may arrange for a re-inspection of the property. If the Officer confirms that the terms of the Work Order have been satisfied, we will close the Work Order file.

If you have any question about this letter, please contact our By-Law Enforcement Unit at 613-476-2148 x 2046 and refer to the above-noted file number.

Respectfully,

Officer Name
By-Law Enforcement Officer
County of Prince Edward

Attachment

Work Order Issued Under Section 225
Of the *Residential Tenancies Act 2006*

IN THE MATTER OF

MUNICIPAL ADDRESS / LEGAL DESCRIPTION:

PROPERTY ASSESSMENT ROLL NUMBER:

LANDLORD:

DATE OF INSPECTION:

WORK ORDER ISSUED AGAINST:

DESCRIPTION OF PROPERTY:

FILE NUMBER:

PARTICULARS OF WORK ORDER TO BE PERFORMED

Inspection of the residential complex located at the above-noted municipal address indicates areas of non-compliance with the prescribed provincial Maintenance Standards set out in the Ontario Regulation 517/06 made under the Residential Tenancies Act, 2006. The following work order is required in order to achieve compliance with the prescribed maintenance standards:

STRUCTURAL ELEMENTS

Item No.

Required Work

Compliance Period: Work to be completed by:

UTILITIES AND SERVICES

Item No.

Required Work

Compliance Period: Work to be completed by:

SAFETY AND SECURITY

Item No.

Required Work

Compliance Period: Work to be completed by:

GENERAL MAINTENANCE

Item No.

Required Work

Compliance Period: Work to be completed by:

Item No.

Required Work

Compliance Period: Work to be completed by:

Item No.

Required Work

Compliance Period: Work to be completed by:

Item No.

Required Work

Compliance Period: Work to be completed by:

COMPLIANCE PERIOD START TIME

The compliance period(s) noted in the work order begin on: **DATE**

REVIEW OF WORK ORDER

If you do not agree with the terms set out in the work order, you may apply to the Landlord and Tenant Board by filing an L6 application (Application to Review a Provincial Work Order). You can contact the Landlord and Tenant Board at 1-888-332-3234 or visit their website at www.ltb.gov.on.ca. This application must be made no later than 20 days after the work order was issued.

INSPECTOR

Name of Officer

By-law Enforcement Officer

Date Order Issued

Personal information contained on this form, collected pursuant to a by-law passed under the *Building Code Act, 1992* will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.

REFERAL/S



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NOTICE OF APPEAL TO PROPERTY STANDARDS COMMITTEE

Pursuant to Section 15.1 of the Ontario Building Code Act

Date

*To the Secretary
Property Standards Appeal Committee
County of Prince Edward
332 Main Street
Picton, ON K0K 2T0*

**RE: Order to Remedy Violation of Standards of
Maintenance and Occupancy at:**

Description and Location of Property in Violation

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on

Name (Owner or Agent) Address:

Telephone Number:

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order the owner or occupant may appeal to the Property Standards Appeals Committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within **fourteen (14) days** after service of the order, and, in the event that no appeal is taken, the order shall be deemed to be final and binding.

Ontario Building Code Act, S.O. 1992, Chapter 23, Section 15.3(1)

Signature of Owner or Authorized Agent



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DECISION OF PROPERTY STANDARDS COMMITTEE

Name of Municipality: _____

Phone: _____

Date of Inspection	Time a.m. / p.m.	By-law No.
Municipal address or legal description of property		
Name of owner / occupant (attach separate list if required)		<input type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied

RE the appeal by: _____
Name of Appellant

to the Property Standards Committee because of dissatisfaction with the above-referenced order to remedy violation of standards for maintenance and occupancy, the Committee has decided to:

confirm the order and time for compliance therewith

modify the order as follows:

rescind the order

extend the time for compliance with the order so as to require that the non-conformity be corrected before

_____ as in the committee's opinion, the general intent and purpose of
(date)
the by-law and of the official plan or policy statement are maintained.

Date of sending of copy of decision

Signature of Secretary of Committee

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**NOTICE OF APPEAL TO A JUSTICE AGAINST
DECISION OF PROPERTY STANDARDS COMMITTEE
(FORM 7)**

To the Clerk of the Corporation of the County of Prince Edward

Name of Applicant: _____

Address: _____

Municipal Address or Legal Description of Property Affected: _____

TAKE NOTICE that the above named party being a person affected by the above referenced decision of the Property Standards Committee hereby makes application for an appointment for a hearing of an appeal against such decision.

Nature of Dispute: _____

Signature of Applicant

Date of Application

APPEAL TO JUDGE - The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3) of Section 15.3 of the Building Code Act, 1992, may appeal to a Justice of the Superior Court of Justice of the judicial district in which the property is located by so notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision.
Building Code Act, 1992, ss. 15.3(4).

STATEMENT OF EMERGENCY MEASURES TAKEN RE PROPERTY STANDARDS

Name of Municipality: _____ Phone: _____

To: Name of Owner / Occupant	<input type="checkbox"/> Occupied	<input type="checkbox"/> Unoccupied
Mailing Address / Location Address and/or Legal Description of Property	Phone:	

WHEREAS there is non-conformity to such extent as to pose an immediate danger to the health or safety of any person;

AND WHEREAS immediate measures were necessary to terminate the danger;

THEREFORE the following measures were taken by the municipality:

The following amount was expended in taking these measures \$ _____

Date

Signature of Property Standards Officer

SERVICE OF ORDER - If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection 15.7 (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. Subsection 15.7 (5).

Personal information contained on this form, collected pursuant to a by-law passed under the *Building Code Act, 1992* will be used for the purposes of that by-law. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution responsible for the procedures under that Act.