

## The Corporation of the City of Pembroke

### By-law Number 2013-37

#### Being a By-law for prescribing standards for the maintenance and occupancy of property within the City of Pembroke

**Whereas** Section 15.1 (3) of the Building Code Act, S.O. 1992, c.23, as amended, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of property within the municipality and prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring 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 graded and levelled condition;

**And Whereas** there is in effect in the City of Pembroke, Ontario an Official Plan which includes provisions relating to property conditions as required by Section 15.1 (3) of the *Building Code Act*, S.O. 1992, c.23, as amended;

**Now Therefore** the municipal Council of the Corporation of the City of Pembroke enacts as follows:

#### 1. Short Title

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

#### 2. Definitions

- 2.1 “Accessory Building” – a subordinate, detached building or structure not used for human habitation, designed or intended for the better or more convenient enjoyment of the main building to which it is accessory and is located upon the lot upon which the main building is or is intended to be erected and shall include a private garage where such garage does not form part of the main building.
- 2.2 “Alteration” – (As applying to a building) a change from one major occupancy class or division to another, or a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction of cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change of the fixtures and equipment.
- 2.3 “Basement” – means a storey or any room in a storey having its floor level more than four feet below the average grade.
- 2.4 “Bathroom” – means a room containing a bathtub, shower, or shower stall, with a water closet and basin.
- 2.5 “Building” – means any structure used or intended for supporting or sheltering any use or occupancy.
- 2.6 “Building Code Act” – means *Building Code Act*, S.O. 1992, c.23, as it may from time to time be amended or repealed.
- 2.7 “Building Code” – means the Code made by regulation pursuant to the *Building Code Act*.
- 2.8 “Committee” – means a property standards committee established under this section.
- 2.9 “Council” – means the Council of the City of Pembroke or its successors.

- 2.10 “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 and includes the land and premises appurtenant thereto and all accessory buildings thereon or therein.
- 2.11 “Dwelling Unit” – means one or more rooms for the use of one or more persons as an independent and separate housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- 2.12 “Fire Resistance Rating” – means the time in hours or fraction thereof that material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria.
- 2.13 “Good Repair” – means that a building, structure or appurtenances thereto, including mechanical equipment shall be maintained in such condition so as to be:
- a) Free from accident or fire hazard.
  - b) Structurally sound.
  - c) In good working order.
  - d) Not unsightly by reason of deterioration, damage or defacement.
- 2.14 “Grade” – means the average level of finished ground adjoining a building at all exterior walls.
- 2.15 “Habitable Room” – means any room in a dwelling used or intended to be used for living, sleeping, cooking or eating purposes.
- 2.16 “Maintain” – means the preservation or keeping in repair of a property as required by this by-law and any applicable regulations.
- 2.17 “Multiple Dwelling” – means a building containing three or more dwelling units.
- 2.18 “Non-Habitable Room” – means any room in dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys.
- 2.19 “Non-Residential Property” – means a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant thereto.
- 2.20 “Occupancy” – means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.21 “Occupant” – means any person or person over the age of eighteen years in possession of the property.
- 2.22 “Officer” – means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law.
- 2.23 “Owner” – includes,
- a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
  - b) a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in

accordance with the standards for the maintenance and occupancy of property.

- 2.24 “Property” – means 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, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.25 “Repair” – means the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law. All repairs shall be made in conformity to the minimum requirements of the Ontario Building Code, City of Pembroke Building By-law No. 95-26 and as revised, Regulations of the Ontario Plumbing Code, the regulations of the Ontario Hydro and all regulations made under the Public Health Act of Ontario.
- 2.26 “Residential Occupancy” – means the occupancy or use of a building or part thereof by persons for whom sleeping accommodations is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.
- 2.27 “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 land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 2.28 “Sanitary Building Sewer” – means a building sewer that may conduct sewage and clear water waste, but not storm water.
- 2.29 “Sanitary Sewer” – means a sewer that conducts sewage.
- 2.30 “Sewage” – means liquid waste that contains animal, vegetable or mineral matter but does not include roof run-off or other storm run-off.
- 2.31 “Standards” – means the standards of physical condition and of occupancy prescribed for property by this by-law.
- 2.32 “Yard” – means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling or buildings and structures and used or intended to be used or capable of being used in connection with the dwelling or buildings and structures.

### **3. General Duties and Obligations**

- 3.1 No person shall occupy, use, permit the use of, rent, or offer to rent any property that does not conform to the standards established in this by-law.
- 3.2 The owner of any property which does not conform to the standards established in this by-law shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris, or refuse and leave it in a graded and levelled condition.
- 3.3 All repairs and maintenance of property 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, Ontario Fire Code and Fire Prevention and Protection Act, where applicable.

- 3.4 After all efforts have failed to bring a property up to reasonable standards where the officer has placed or caused the placing of a placard containing the terms of an Order upon any premises under the authority of the Ontario Building Code Act, S.O. 1992, c.23, as amended, no person shall remove such placard except with the consent of the Officer.

#### **4. Property Standards**

##### **4.1 Exterior Structure, Walls, Chimney**

- 4.1.1 The exterior walls of every building shall be sound, plumb, tight, and free of loose or unsecured objects and maintained in good repair.
- 4.1.2 Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use.
- 4.1.3 The roof of every building, including the fascia board, soffit, cornice, flashing and eaves trough shall be maintained in good repair and in watertight condition so as to prevent leakage of water into the building.
- 4.1.4 Every chimney and/or flue serving a building shall be maintained so as to prevent any gases from leaking into the building. The chimney and/or flue shall be maintained to prevent any build-up of creosote, free of loose bricks, mortar, broken capping and unsightly objects and conditions detrimental to the appearance of the building.
- 4.1.5 All exterior exposed surfaces of a building shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration and improve or maintain a pleasant and satisfying appearance at least commensurable with that of the neighbourhood.
- 4.1.6 Exterior doors, window and hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building. Every door, window and hatchway shall open and close freely if same is required for ventilation or as an exit. Rotted or damaged doors, windows, frames, sashes casings, hardware and broken glass shall be repaired or replaced.

##### **4.2 Interior Structure, Walls, Ceilings**

- 4.2.1 Every building, unless of concrete, slab-on-grade design shall be upon either full foundation walls or piers, and all footing, foundation walls, and piers shall be of concrete, masonry or other material which meets the standards of The Ontario building Code, as amended. Foundations shall be sound, plumb and adequate to carry the loads imposed on them.
- 4.2.2 In every building all joists, beams, studding, rafters and framing material shall be sound and adequate for the load to which they are subject.
- 4.2.3 Every wall and ceiling in a dwelling shall be maintained in good repair, so as to be free of holes, cracks, damage, deterioration and loose plaster or other defects and finished to match the existing wall or ceiling

4.2.4 Every floor in a building shall be maintained in good repair so as to be free from cracks, protrusions, damaged or decaying boards and kept in a reasonably smooth condition.

4.2.5 Walls and floors around a bathtub or shower shall be maintained so as to be water resistant.

#### 4.3 Stairs, Ramps, Guards, Handrails

4.3.1 A handrail shall be provided on at least one side of stairs or ramps less than 1100 mm (3 ft 7in) and on 2 sides of stairs or ramps 1100 mm (3 ft 7in) in width or greater. All exterior curved stairs and ramps shall have a handrail installed on both sides.

4.3.2 Any interior or exterior stair, ramp, porch, balcony, platform, veranda or landing shall be maintained so as to be free from holes, cracks and other defects which may constitute possible accident hazards and all treads, risers or decking that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

4.3.3 Handrails shall be maintained in good condition in accordance with the Ontario Building Code, as amended.

4.3.4 In the case where a guard serves as a handrail, guards shall be provided and maintained to provide reasonable protection against accident or injury to any person in or on a property.

4.3.5 Guards are required on each side that is not protected by a wall for the length where there is a difference in elevation of more than 600 mm (23 5/8") between the walking surface and the adjacent surface.

4.3.6 All guards shall be a minimum of 900 mm (2ft 11in) in height where the difference in elevation between walking surfaces is between 600 mm (23 5/8") and 1900 mm (5ft 11in) on the exterior of a building only.

4.3.7 Any required openings in guards shall have no openings large enough to permit passage of a spherical object with a diameter of 100 mm (4 in) and have no member, attachment or openings which will facilitate climbing located between 140 mm (5 1/2 in) and 900 mm (2ft 11in) above the floor or bottom of the guard.

#### 4.4 Toilet and Bathroom Facilities

4.4.1 Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting at a minimum of one toilet, one sink, and one bathtub or shower.

4.4.2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit except where a building contains rooms intended to be used as a boarding or rooming house, as defined in the Zoning By-law, the occupants of said building may share a single bathroom provided that:

- 1) a total of not more than 8 persons occupy the dwelling units; and
- 2) access to the bathroom is gained without having to go through any rented dwelling unit.

- 4.4.3 All bathrooms and toilet rooms shall be fully enclosed with a lockable door and maintained so as to provide privacy for the occupant, and all bathroom or toilet rooms containing a toilet shall also contain a sink.
- 4.4.4 No toilet, urinal, bidet shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.
- 4.5 Plumbing, Sewage Discharge, Drainage
  - 4.5.1 Every building used for human occupancy, shall be provided with an adequate supply of potable water in accordance with City of Pembroke By-laws, Regulations of the Ministry of the Environment and approved by the local Medical Officer of Health.
  - 4.5.2 Every required sink, washbasin, bathtub or shower in a building shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
  - 4.5.3 Each plumbing fixture shall be connected to the building drain through a water seal trap. Every building shall have all drain, waste and vent piping and all plumbing fixtures connected to a sewage system.
  - 4.5.4 All plumbing including every drainpipe, water pipe, water closet and other plumbing fixture in the building and every connected line to the sewage system shall be maintained in good working order and free from leaks and defects.
  - 4.5.5 Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water or the drainage of such water into a basement and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided, however, that the grade level of such exterior property shall not be altered so as to either impede the natural flow of water through such property from any adjoining property nor as to cause the drainage of storm water onto any adjacent property unless such alteration is in accordance with a lot grading plan approved by the City of Pembroke.
  - 4.5.6 No roof drainage, and drainage of water from swimming pools shall be discharged on sidewalks, steps, neighbouring property or into the sanitary sewer system and shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
  - 4.5.7 Sewage of any kind shall not be discharged to the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 4.6 Kitchen Facilities
  - 4.6.1 Every kitchen in a dwelling unit shall be supplied with an approved gas or electrical supply for cooking purposes.
  - 4.6.2 Each kitchen in a dwelling unit shall be equipped with the following:
    - 1) A kitchen sink with a splash back which is water and grease resistant.

- 2) Kitchen cupboards or a pantry for the storage of food, dishes and cooking utensils.
- 3) A space sufficient to accommodate a cooking range or a countertop cooking unit and for a refrigerator.
- 4) A kitchen counter with a smooth hard surface that is easily cleaned and will not retain dirt.

4.6.3 The vertical clearance from the underside of cabinetry, exhaust fans, framing, finishes installed directly above the exposed cooking surface of a gas or electric range shall be at least 2 feet (24").

4.6.4 No kitchen shall be used as a bedroom.

4.6.5 No barbeques or portable gas or oil fired appliances shall be used within a dwelling unit as a source of cooking.

#### 4.7 Ventilation

4.7.1 Every building used for human occupancy shall be ventilated by natural or mechanical means in compliance with the provisions of The Ontario Building Code, as amended.

4.7.2 Ventilation of unheated crawl spaces shall be by natural or mechanical means. Where ventilation is provided for by natural means, ventilation to the outside air shall be not less than 1 square foot or unobstructed vent area for every 500 square feet of floor area. Vents in unheated crawlspace shall be uniformly distributed on opposite sides of the building and designed to prevent the entry of snow, rain, rodents and insects.

4.7.3 Every bathroom or shower room and every room containing a water closet or urinal shall be ventilated by a window of at least 1 square foot capable of being opened, or by means of mechanical ventilation in accordance with the provisions of the Ontario Building Code, as amended.

4.7.4 Every habitable room shall have an opening to the exterior for natural ventilation and shall have an unobstructed free flow area of 3 square feet and shall be adequately screened to prevent the entry of rodents, insects or vermin.

#### 4.8 Lighting and Electrical Supply

4.8.1 Every building used for human occupancy or dwelling unit shall be connected to an electric supply system and shall be wired for electricity

4.8.2 The electrical wiring and electrical services in every building or dwelling unit and all equipment and appliances for use in a dwelling unit or accessory building shall be maintained in good working order so as not to cause a fire or electrical shock hazard and shall be in compliance with the Ontario Electrical Code, as amended.

4.8.3 Electrical facilities shall have sufficient capacity to provide without overloading, electrical energy for lighting, appliances, outlets and equipment installed in the building.

4.8.4 Extension cords which are not part of a fixture shall not be used on a permanent basis.

4.8.5 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hallway and basement in every building or dwelling unit.

4.8.6 In multiple dwellings, every stairway, hallway, exit and entrance, and all other parts of the building used by the tenants in common shall be adequately lighted at all times.

#### 4.9 Heating Equipment

4.9.1 Every building, except a building or a part of a building which is used for refrigerated storage, which is occupied by human beings shall be provided with heating facilities of sufficient capacity to maintain the desirable indoor air temperature and shall be maintained in good condition.

4.9.2 Every residential building intended for use in the winter months on a continuing basis shall be equipped with heating facilities capable of maintaining an average room temperature of 22 Degrees Celsius (72°F) in all habitable rooms, bathrooms and toilet rooms; and shall be turned on from September 1 to May 31.

4.9.3 A space that contains a heating unit shall have natural or mechanical means of supplying the required air for combustion and adequate chimney or vents for the discharge of combustion gases to the exterior of the building.

4.9.4 No open flame type of heating appliance shall be installed or used in a room used or intended to be used for sleeping accommodation.

4.9.5 No barbeques or portable gas or oil fired appliances shall be used within a dwelling unit as a source of heating.

4.9.6 Portable heating equipment shall not be used as a primary source of heat for any portion of a dwelling unit or any part of a rented or leased area of a building.

#### 4.10 Walks and Driveways

4.10.1 A walk shall be provided from the principal entrance of every building to a public street, or to a driveway affording access to a public street and be capable of providing a hazard free surface and shall be maintained so as to afford safe passage under normal use and weather conditions.

#### 4.11 Garbage

4.11.1 Every property shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes. Receptacles shall be of watertight construction, capable of being tightly closed, maintained in a clean condition, and made available for regular pickup.

1) Garbage shall be made available for regular emptying in accordance with the provisions of City of Pembroke By-law number 98-05, as amended.

4.11.2 Multiple dwelling units that do not have an interior garbage room shall have maintained and installed a receptacle large enough to contain all garbage and rubbish.

4.11.3 The accumulation of storage of garbage, rubbish, or refuse in public halls, stairways or exits shall be prohibited at all times.



#### 4.12 Yards, Vacant Property, Compost Heaps

- 4.12.1 Shall be kept clean and free of litter, rubbish, debris, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.
- 4.12.2 Grass, plantings and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free from heavy undergrowth, excessive growth of grass, weeds and noxious plants in accordance with the Weed Control Act, R.S.O. 1990, Chapter W.5, and amendments thereto, and the regulations made hereunder.
- 4.12.3 No machinery, appliances, furniture, plumbing fixtures, vehicles, trailers or parts thereof which are in a wrecked discharged, dismantled, partially dismantled or abandoned condition shall be stored or allowed to remain in the yard, open area, of any building or on any vacant property.
- 4.12.4 The occupant of a residential property may provide for a compost heap or a bin in accordance with this by-law, provided that the compost pile is no larger than 1 square metre (10 sq ft) and 1.8 metres (6 ft) in height and is enclosed on all sides by concrete block, lumber or in a commercial plastic enclosed container designed for composting.
- 4.12.5 Compost heaps or bins shall not be placed in the front yard, side yard, exterior side yard and shall meet all the required setback for an accessory building in accordance with the Zoning By-law.
- 4.12.6 Compost heaps or bins shall be constructed to prevent the entry of rodents or other animals and be provided with a tight fitting cover which shall be kept closed at all times except when material is being placed therein and it shall be maintained in a clean and sanitary condition.
- 4.12.7 Yards and open areas used for storage whether licensed or not, shall be effectively screened from all other property and streets by a solid line fence. The front yard of a property shall not be used for storage.

#### 4.13 Accessory Buildings, Structures, Retaining Walls, Fences

- 4.13.1 Every accessory building, structure, retaining wall or fence shall be kept in good condition and repair and shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject and shall be free of dangerous objects including barbed wire and electric fencing.
- 4.13.2 All exterior exposed wood surfaces of accessory buildings, structures, retaining wall or fences shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration and to improve or maintain a pleasant and satisfying appearance at least commensurable with that of the neighbourhood.
- 4.13.3 Every residential, commercial, and industrial building and/or accessory building not in conformity with the standards set out in this by-law and remaining vacant for a continuous period of three months or more shall be sufficiently secured with all windows and doors boarded to prevent entry by unauthorized persons and such

buildings may only be kept secured for a period of twelve months after which time the building or buildings shall be either.

- 1) be restored to conform with the standards of this by-law; or
- 2) be demolished; or
- 3) where there is written agreement with the Council of the City of Pembroke the building or buildings will be exempt from this section.

4.13.4 The materials used to board up windows and doors in a building shall be at least commensurable with that of the existing building and shall be treated with a protective coat of paint or other sealing or coating material to match the existing building.

#### 4.14 Occupancy Standards

4.14.1 The number of occupants in a dwelling or a dwelling unit shall not exceed one (1) person for every 7.5 square metres (80 square feet) of floor area of habitable rooms other than kitchens. Children, up to and including those 12 years of age shall be counted as one-half person each for computing the number of occupants in a dwelling unit.

4.14.2 No basement shall be used as a habitable room unless it meets the following requirements:

- 1) All floors and walls are constructed so as to be impervious to water leakage of underground and surface runoff and treated against dampness.
- 2) Each habitable room shall meet all requirements for lighting, ventilation, heating, electrical, plumbing as prescribed in this by-law and the Ontario Building Code, as amended.
- 3) Each habitable room used in a boarding or lodging house as defined in the Zoning By-law, shall be separated from heating equipment and service rooms by a fire rated assembly as prescribed in the Ontario Building Code as amended.
- 4) Access to each habitable room shall be gained without passage through a service room.

4.14.3 Every level from within a dwelling unit, boarding or lodging house as defined in the Zoning By-law shall have a continuous and unobstructed access from the interior of the dwelling unit to the exterior, in accordance with the provisions of the Ontario Building Code, as amended.

4.14.4 Where an exterior staircase is provided as a means of egress, it shall be continuous to ground level.

4.14.5 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit or service room.

### **5. Application and Administration**

5.1 This by-law applies to all property in the Municipality of the City of Pembroke, Ontario.

- 5.2 All complaints submitted shall be in writing to include date, name, contact information of the complainant, address of the property believed to be in contravention of this by-law including nature of complaint, and signature, should the matter proceed to court then this information is required.
- 5.3 In addition to section 5.2, all complaints dealing with landlord and tenant issues shall comply with the following requirements:
- 5.3.1 A letter must be submitted to the landlord/owner of the building, giving them at minimum 14 business days in which to comply with the requirements of this by-law.
- 5.3.2 If the requirements of this by-law are not met within the given time period, then the tenant is to give the Property Standards Officer a copy of the letter, and the tenant is to arrange a date and time for an inspection of the dwelling unit.
- 5.4 Property Standards Officer
- 5.4.1 The Council of the municipality shall assign a Property Standards Officer(s) as being responsible for the administration and enforcement of this by-law.
- 5.4.2 The Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
- 1) Whether the property conforms with the standards prescribed in the by-law; or
  - 2) Whether an order made under section (5.4.3) has been complied with.
- 5.4.3 If after inspection the officer finds that a property does not conform with any of the standards prescribed in this by-law he/she may make an order,
- 1) stating the municipal address or the legal description of such property;
  - 2) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
  - 3) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - 4) indicating the final date for giving notice of appeal from the order.
- 5.4.4 The Order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. No person shall pull down or deface any such placard.
- 5.4.5 The order may be registered in the property land registry office and upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section (5.4.4) and, when the

requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

#### 5.4.6

- 1) An owner or occupant who has been served with an order made under section (5.4.3) and who is not satisfied with terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served the order.
- 2) An order that is not appealed within the time referred to in subsection (5.4.6(1)) shall be deemed to be confirmed.
- 3) Powers of Committee on Appeal. If an appeal is taken, the committee shall hear the appeal and shall have all the powers and functions of the officer who made the order, and may,
  - a) confirm, modify or rescind the order to demolish or repair;
  - b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.
- 4) Appeal to Ontario Court. The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (5.4.6(3)) may appeal to a judge of the Ontario Court (General Division) for an appointment within fourteen (14) days after the sending of a copy of the decision.

5.4.7 In the case of non-conformity to such extent as to pose an immediate danger to the health or safety to persons the officer may proceed under Section 15.7 of the Building Code Act.

#### 5.5 Property Standards Committee

The Council of the municipality shall, by by-law or resolution, appoint at large three (3) citizens to the Property Standards Committee for a term of office concurrent with Council and determine the appropriate compensation that each member of the committee shall receive.

#### 5.6 Power of the Municipality to Demolish or Repair

- 5.6.1 The order as deemed to have been confirmed by the Officer or as confirmed or modified by the Committee or, in the event of an appeal to the judge as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- 5.6.2 If the owner or occupant of the property fails to demolish the property or to repair in accordance with the order as confirmed or modified, the Corporation, in addition to all other remedies:
  - 1) shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in and upon the property;

- 2) shall not be liable to compensate such owner, occupant or any person having an interest in the property by reason of anything done or by or on behalf of the City under the provisions of this section; and,
- 3) the municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

## 5.7 Offences

- 5.7.1 A person or corporation is guilty of an offence, as provided for in subsection 425(1) of the Municipal Act, 2011, if the person or corporation,
  - a) Fails to comply with an order, direction or other requirement made under this By-law or the Building Code Act; or
  - b) Obstructs or attempts to obstruct an officer, or any person acting under an officer's instructions, in the lawful exercise of a power granted to him/her or them by this by-law or the Building Code Act.
- 5.7.2 Every director or officer of a corporation who knowingly permits or concurs in the commission of an offence provided for in Section 5.7.1 is guilty of an offence.
- 5.7.3 All offences provided for in this by-law are designated as continuing offences as provided for in Subsection 429(2)(a) of the Municipal Act, 2001.
- 5.7.4 Any proceeding alleging an offence may be commenced pursuant to the Provincial Offences Act, or any successful legislation by,
  - a) Filing a certificate of offence alleging the offence in the office of the court;
  - b) Laying an information; or
  - c) Any other means of commencing a proceeding that may be permitted in law from time to time by the Province of Ontario.

## 5.8 Penalties

- 5.8.1 Where a proceeding is commenced by filing a certificate of offence alleging the offence in the office of the court, a person or corporation who is convicted of an offence is liable, for each day or part of a day that the offence continues, to the fine or penalties as set out in Schedule "A" of this by-law.
- 5.8.2 Where a proceeding is commenced by laying an information or any other means of commencing a proceeding that may be permitted in law from time to time by the Province of Ontario,
  - a) A person, other than a corporation, who is convicted of an offence is liable, for each day or part of a day that the offence continues, to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence; and

- b) A corporation that is convicted of an offence is liable, for each day or part of a day that the offence continues, to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$200,000 for a subsequent offence.

5.8.3 For the purposes of this by-law, an offence is a subsequent offence if there has been a previous conviction under this, or any prior, property standards by-law.

5.8.4 If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by Section 5.8.1 or 5.8.2, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person, or corporation, convicted.

## 5.9 Repeal

By-law 2010-11, 2013-12 and the amendments and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

## 5.10 Conflicts

Whenever a standard established by this By-law differs from a standard in relation to the same matter established by any other item of legislation in force in the City of Pembroke, Ontario, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and the general public shall prevail.

6.0 This by-law shall come into force and take effect upon the date of the final passing thereof. After the date of passing of this by-law, By-law 2010-11 will continue to apply to all properties in respect of which an order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such order has been completed.

**Read a first and second time this 9<sup>th</sup> day of July 2013.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**Read a third time and passed this 9<sup>th</sup> day of July 2013.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer/Clerk

**By-law Number 2013-37 – Schedule “A”**

**Prescribing Standards for the Maintenance and Occupancy of Property Within  
the City of Pembroke**

<b>Item</b>	<b>Column 1 – Short Form Wording</b>	<b>Column 2 – Provision Creating or Defining Offence</b>	<b>Column 3 – Set Fine</b>
1	Fails to comply with an order, direction or other requirement	s. 5.7.1 (a)	\$300.00
2	Obstructs or Attempts to Obstruct an Officer	s. 5.7.1 (b)	\$300.00