

Corporate Report

Report from Legal and Clerks Services, Legal Services

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Subject: By-law to Regulate Property Standards and Associated Rates and Fees within the City of St. Catharines and Other Related Matters

Recommendation

That Council approve the proposed by-law to regulate property standards within the City of St. Catharines, as attached in Appendix 1; and

That Council authorize an amendment to the Rates and Fees By-law to include a fee in the amount of \$250 for the Discharge of a Property Standards Order; and

That Council appoint by By-law certain Municipal By-law Enforcement Officers as Property Standards Officers from time to time; and

That Council authorize an amendment to the Delegation By-law authorizing staff to process staffing changes on appointments of Property Standards Officers by having the Department Head of the applicable department, or his or her designate prepare the necessary request, providing the appointee has the necessary certification, and that the City Solicitor prepare the required by-law, adding or deleting Property Standards Officers as may be required; and

That the City Solicitor be authorized to prepare the necessary By-laws. FORTHWITH

Summary

The current Property Standards By-law is outdated and the passage of a new by-law which removes redundant provisions and adds various new provisions is suggested. The passage of a by-law appointing Property Standards Officers, a by-law amending the Rates and Fees By-law and an amendment to the Delegation By-law are also suggested as housekeeping matters to complement the passage of the new Property Standards By-law.

Background

The existing Property Standards By-law, being By-law 76-320 was passed in November of 1976 and has been the subject of numerous amendments. It is proposed that a new Property Standards By-law, as attached in Appendix 1, be passed.

The new proposed by-law was drafted by a committee of staff members with representation from By-law Enforcement, Development Technology, Planning, Zoning and Legal Services.

Report

Property Standards By-law

The existing Property Standards By-law is nearly 40 years old and has been amended 7 times. The By-law originally addressed the maintenance of fencing and yards, however the City has subsequently passed standalone Waste and Fence By-laws which address these issues. The proposed by-law has been updated to remove these provisions to prevent inconsistency and confusion. The proposed by-law also includes provisions to prescribe minimum standards for the maintenance of heritage attributes of property designated under the Ontario Heritage Act, a power the Building Code Act (hereinafter the "Act") has more recently bestowed on Municipalities. The proposed by-law will also address the issue of drainage and will include additional standards for vacant buildings. Apart from the additions previously noted, many of the standards found in the former by-law will be carried forward, some with minor changes.

Amendment to the Rates and Fees By-law

The Act empowers the City to register Property Standards Orders against title as a method of providing notice of an outstanding Order. Currently it is the City's practice to register these Orders following the expiry of the appeal period, and to discharge Orders once compliance has been achieved. Although the City pays a fee for every registration and for every discharge (\$71.30 inclusive of H.S.T. per registration), the Rates and Fees By-law has never included a fee for the discharge of a Property Standards Order. As such, staff are recommending that a fee in the amount of \$250 be added to the Rates and Fees By-law as a way to recover some of the costs associated with the registration and discharge of Property Standards Orders. It is anticipated that on a go forward basis Orders will only be registered against title where compliance with the Order has not been achieved by the compliance deadline.

By-law Appointing Property Standards Officers

Currently, by virtue of By-law No. 96-47, the person holding the position of Manager of Building and Development is the only person appointed as Property Standards Officer for the City. As such, the Manager of Building and Development signs all Property Standards Orders. To streamline the process, staff feel that the appointment of certain Municipal By-law Enforcement Officers who have obtained certification under the Ontario Association of Property Standards Officers should be appointed as Property Standards Officers and should be empowered to sign the Property Standards Orders that they have issued. A corresponding repeal of By-law 96-47 would be required. Staff are also recommending an amendment to the Delegation By-law to allow the addition or deletion of appointments to be requested without a report to Council, similar to the process for Appointment of By-law Enforcement Officers for Parking and the Appointment of Building Inspectors.

Financial Implications

Not Applicable.

Conclusion

The passage of a new Property Standards By-law will remove unnecessary provisions relating to fencing and waste and will allow for the inclusion of new provisions to address heritage attributes of properties designated under the Ontario Heritage Act, drainage and vacant buildings. Amendments to the Rates and Fees By-law and the Delegation By-law, along with the passage of an Appointment By-law will facilitate the implementation of the new Property Standards By-law.

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CITY OF ST. CATHARINES

BY-LAW NO. _____

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A By-law for prescribing minimum standards for the maintenance and occupancy of all property within the City of St. Catharines and requiring such properties to be repaired, maintained or cleared of buildings or structures.

WHEREAS Section 15.1 (3) of the *Ontario Building Code Act*, S.O. 1992, c. 23, as amended, provides that a by-law may be passed by the council of a municipality which has an official plan in place that includes provisions relating to property conditions to prescribe standards for the maintenance and occupancy of property, to prohibit the occupancy or use of property that does not conform with the standards and to 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 there is such an official plan in effect in the City of St. Catharines;

AND WHEREAS Section 35.3 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, provides that Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property that has been designated by the municipality or the Minister; and require property that has been designated and that does not comply with the standards to be repaired and maintained to conform with the standards;

AND WHEREAS Section 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, provides that Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property situated in a designated heritage conservation district; and require property situated in a designated heritage conservation district that does not comply with the standards to be repaired and maintained to conform with the standards;

AND WHEREAS section 15.6 of the *Ontario Building Code Act*, S.O. 1992, c. 23, as amended, requires that a by-law passed under section 15.1 of the *Ontario Building Code Act*, S.O. 1992, c. 23, as amended, shall provide for the establishment of a Property Standards Committee;

AND WHEREAS Section 391 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of The Corporation of the City of St. Catharines deems it desirable to enact a By-law for prescribing minimum standards for the maintenance and occupancy of property within the City of St. Catharines;

AND WHEREAS the Council of The Corporation of the City of St. Catharines deems it desirable to enact a By-law for prescribing minimum standards for the maintenance of heritage attributes of designated property or properties situated in a designated heritage conservation district;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES ENACTS AS FOLLOWS:

SECTION 1 TITLE

This By-law shall be known as the "Property Standards By-law".

SECTION 2 DEFINITIONS

In this by-law:

Accessory Building means a detached building or structure, not used for, or intended to be used for, human habitation that is appurtenant to the principal use of the same Property, and does not include a retaining wall or a Swimming Pool.

Approved means acceptance by a Property Standards Officer.

Basement means the portion of a building partly underground, with a height of 1.93 metres or greater, and having more than one half of its height below grade at the principal entrance.

Bathroom means a room containing at least one (1) toilet, one (1) hand basin or lavatory and one (1) bathtub or shower, or two (2) rooms which contain in total at least one (1) toilet, one (1) hand basin or lavatory and one (1) bathtub or shower.

Chief Building Official means a chief building official appointed or constituted under Section 3 or 4 of the Ontario Building Code Act.

Committee means the Property Standards Committee appointed by Council pursuant to Section 15.6 of the Ontario Building Code Act.

Council means the Council for The Corporation of the City of St. Catharines.

Crawlspace means that portion of a building between two (2) floor levels, or between a floor level and the ground, with a height of less than 1.93 metres.

Director means the Director of Planning and Development Services for The Corporation of the City of St. Catharines and his or her designate.

Dwelling means a building or structure, any part of which is used or intended to be used for the purposes of human habitation, usually containing living, sleeping, cooking, eating or sanitary facilities and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair.

Dwelling Unit means one (1) or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes.

Fire Resistance Rating means the time in minutes or hours that a 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, or as determined by extension or interpretation of information derived from that test and performance as prescribed in the Ontario Building Code.

Guard means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.

Habitable Room means any room in a Dwelling Unit used or intended to be used for living, sleeping, cooking or eating purposes.

Heritage Attributes means:

- (i) the attributes of the Property, and the buildings and structures on the Property that contribute to the cultural heritage value or interest that are defined or described:
 - (a) in a by-law designating a Property passed under section 29 of the Ontario Heritage Act and identified as Heritage Attributes, values, reasons for designation or otherwise;
 - (b) in a Minister's Order made under section 34.5 of the Ontario Heritage Act and identified as Heritage Attributes, values, reasons for designation, or otherwise;
 - (c) in a by-law designating a heritage conservation district passed under section 41 of the Ontario Heritage Act and identified as Heritage Attributes, values, reasons for designation or otherwise; or
 - (d) in the supporting documentation required for a by-law designating a heritage conservation district, which may include, but not be limited to a heritage conservation district plan, assessment or inventory and identified in such documentation as Heritage Attributes, values, reasons for designation, or otherwise.

- (ii) the elements, features, or building components which may include, but not be limited to: roofs, walls, floors, retaining wall, foundations and structural systems that support or protect the Heritage Attributes, without which the Heritage Attributes may not be maintained.

Land means the yard around and appurtenant to the whole or any part of a Residential or Non-Residential Building or Accessory Building and used or intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the Owner of the building, and includes a retaining wall or outdoor Swimming Pool situate thereon.

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 separate building, an open public thoroughfare, or an exterior open space that is protected from the fire exposure from the building and that has access to an open public thoroughfare.

Medical Officer of Health means the Medical Officer of Health for the Regional Municipality of Niagara.

Multiple Dwelling means a building containing two (2) or more Dwelling Units.

Municipal Sanitary Sewage System means the City's Sanitary Sewage system.

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 room, pantry, lobby, corridor, stairway, closet, boiler 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.

Non-Residential Building 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.

Occupant means any Person or Persons over the age of eighteen (18) years in possession of the Property.

Officer means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1 of the Ontario Building Code Act and who has been appointed as such by Council.

Ontario Building Code means the regulations made under section 34 of the Ontario Building Code Act, S.O. 1992, c. 23, as amended from time to time, or any substitute Act.

Ontario Building Code Act means the Ontario Building Code Act, S.O. 1992, c. 23, as amended from time to time, or any substitute Act.

Ontario Heritage Act means the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended from time to time, or any substitute Act.

Order means an Order issued by a Property Standards Officer pursuant to Section 15.2(2) of the Ontario Building Code Act.

Owner includes:

- (i) the Person for the time being managing or receiving the rent of the Property or any part thereof 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 Property or any part thereof were rented, and
- (ii) a lessee, tenant or Occupant of the Property or any part thereof who, under the terms of a lease, is required to Repair and maintain the Property or any part thereof in accordance with the Standards for the maintenance and occupancy of Property.

Part IV Heritage Property means property designated under section 29 or 34.5 of the Ontario Heritage Act.

Part V Heritage Property means property designated under section 41 of the Ontario Heritage Act.

Person includes an individual, sole proprietorship, firm, partnership, limited partnership, trust, corporation, association, organization or body corporate, or an individual in his or her capacity as a trustee, executor, public administrator or other legal representative.

Property means a building and the Lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, Accessory Buildings, and erections thereon whether heretofore or hereafter erected.

Repair includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a Property conforms with the Standards established in this by-law.

Residential Building means any building in which one (1) or more Persons usually sleep and prepare and serve meals and includes Dwellings, Dwelling Units and Multiple Dwellings.

Sanitary Sewage means liquid or water borne waste:

- (i) of industrial or commercial origin; or
- (ii) of domestic origin, including human body waste, toilet or bathroom waste, and shower, tub, culinary sink and laundry waste.

Service Room means a room provided in a building to contain equipment associated with building services, including, but not limited to, furnaces, boilers and hot water tanks.

Sewage means Sanitary Sewage or Storm Sewage.

Standards means the standards of the physical condition and of occupancy prescribed for Property by this by-law.

Storm Sewage means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.

Swimming Pool means a pool used for recreational swimming that is capable of holding at least 0.6 metres of water.

Toilet Room means a room containing a Toilet and may or may not contain a washbasin.

Vacant Building means any building that is not being used and includes any Residential Building, Non-Residential Building or Accessory Building that is unoccupied, not maintained, unsupervised or appears to be abandoned in the opinion of an Officer.

SECTION 3 INTERPRETATION

3.1 In this by-law, statutory references are to Statutes of Ontario and the Regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

3.2 In this by-law, the word "Section" may be applied to any numbered or lettered provision of this by-law and shall, as the context may require, mean and include:

- (i) an entire section including all its subsections;
- (ii) a particular subsection of a section; or

(iii) a particular sub-clause or subdivision of a subsection.

- 3.3 For the purposes of this by-law, unless the context otherwise requires, words imparting the singular shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.
- 3.4 Where a form of words or expression are prescribed in this by-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
- 3.5 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.

SECTION 4 APPLICATION

- 4.1 This by-law shall apply to all Property within the limits of the City of St. Catharines.
- 4.2 The Property Standards set forth in Section 5 of this by-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Residential Buildings and all Accessory Buildings appurtenant to Residential Buildings in the City of St. Catharines, and includes Vacant Buildings.
- 4.3 The Property Standards set forth in Section 6 of this by-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Non-Residential Buildings and all Accessory Buildings appurtenant to Non-Residential Buildings in the City of St. Catharines, and includes Vacant Buildings.
- 4.4 Where any Property contains a building that is used partly for residential purposes and partly for non-residential purposes, the Standards set forth in Section 5 will apply to those portions of the building used for residential purposes and the Standards set forth in Section 6 will apply to those portions of the building used for non-residential purposes.
- 4.5 The Property Standards set forth in Section 7 of this by-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Vacant Buildings in the City of St. Catharines, except for Part IV and Part V Vacant Heritage Properties as addressed in Section 8 of this By-law.

- 4.6 The Property Standards set forth in Section 8 of this by-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Part IV and Part V Heritage Properties in the City of St. Catharines.
- 4.7 The Property Standards set forth in Section 9 of this by-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Land in the City of St. Catharines.
- 4.8 Every Owner of Property situated within the City of St. Catharines shall maintain such Property to the applicable minimum Standards prescribed by this by-law.
- 4.9 Property found to be below the Standards prescribed by this by-law shall be Repaired and maintained to comply with the Standards or the Property shall be cleared of all buildings or structures and left in a graded and levelled condition, as required by notice given by the Officer.
- 4.10 Notwithstanding Section 4.9 of this by-law, buildings and structures located on Property that has been designated under the Ontario Heritage Act shall not be cleared of all buildings and structures that do not conform to the Standards unless a permit under the Ontario Heritage Act has first been obtained.

SECTION 5 RESIDENTIAL BUILDING STANDARDS

5.1 Structural Soundness

- 5.1.1 Every part of a Residential Building and an 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 level of safety as required by the Ontario Building Code. Structural members or materials that have been damaged or exhibit evidence of deterioration shall be Repaired or replaced.

5.2 Foundations

- 5.2.1 Foundation walls and Basement and Crawlspace floors of Residential Buildings and Accessory Buildings shall be maintained in good repair and in a structurally sound condition, so as to prevent dangerous settlement or the entrance of moisture, rodents, vermin and insects. Without restricting the generality of this section, maintenance shall include the shoring of foundations, installing subsoil drains and footings, grouting masonry cracks and dampproofing of walls and floors.

5.3 Weatherproofing

- 5.3.1 Windows, exterior doors, skylights and hatchways of Residential Buildings and Accessory Buildings shall be maintained in good repair so as to prevent infiltration by the elements and heat loss. Rotted or damaged doors, door frames, window frames, sashes and casings shall be renewed. Missing or defective door and window hardware, weatherstripping and broken window glass shall be replaced.

5.4 Pest Prevention

- 5.4.1 Where Residential Buildings and Accessory Buildings are found to harbour rodents, vermin or insects, all necessary steps shall be taken to eliminate such rodents, vermin or insects and to prevent their recurrence. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act, R.S.O. 1990, CHAPTER E.19 and the Pesticides Act, R.S.O. 1990, CHAPTER P.11.
- 5.4.2 When a qualified exterminator is requested by an Order of an Officer, a certificate of completion must be provided to the City of St. Catharines.
- 5.4.3 Openings, including windows, that might permit the entry of rodents, vermin, insects or other pests shall be appropriately screened or sealed.

5.5 Exterior Surfaces

- 5.5.1 Exterior walls of Residential Buildings and Accessory Buildings and their components, including soffits and fascia, shall be maintained in good repair and free from cracked or peeling paint, cracked, broken or loose masonry units, stucco, and other defective cladding or trim. Untreated wood exterior surfaces shall be painted, preserved or coated so as to prevent deterioration due to weather conditions, insects or other damage.
- 5.5.2 Exterior parts of Residential Buildings and Accessory Buildings shall be kept free of objects or materials which have been improperly secured or which have become loose or unsecure. Such objects or materials shall be removed, properly secured or replaced.

5.6 Maintenance

- 5.6.1 Every floor, interior and exterior wall, ceiling, roof, porch and appurtenance of a Residential Building and an Accessory Building shall be so maintained as to prevent collapse or injury to the Occupants or to the public.

5.7 Dampness

- 5.7.1 Floors, ceilings and walls of every Residential Building and Accessory Building shall be maintained so as to prevent the entry of moisture that would contribute to dampness, damage, fungus, mold growth, decay or deterioration.

5.8 Floors

- 5.8.1 Every floor in a Residential Building and an Accessory Building shall be smooth and level and shall be maintained in good repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or surfaces that might admit rodents. All defective floors shall be Repaired or replaced.
- 5.8.2 In rooms where plumbing fixtures are installed, the floor covering shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

5.9 Roofs

- 5.9.1 Roofs of Residential Buildings and Accessory Buildings shall be maintained in a watertight condition to prevent leakage of water into the Dwelling or Accessory Building and where necessary shall be maintained by the Repair of roofs and application of waterproofed coatings or coverings. Any deteriorated or damaged roof shingles shall be replaced.
- 5.9.2 Every eavestroughs and downspouts or equivalent roof drains shall be maintained:
- (i) watertight and free from leaks;
 - (ii) free from any obstructions;
 - (iii) in a stable condition and securely fastened; and
 - (iv) so as to properly perform its intended function.
- 5.9.3 Structural members or materials that have been damaged or indicate evidence of deterioration shall be Repaired or replaced.

5.10 Walls and Ceilings

- 5.10.1 Every wall and ceiling in a Residential Building and Accessory Building shall be maintained so as to be easily cleaned and shall be maintained in good repair.
- 5.10.2 Interior finish materials for acoustical correction, surface insulation, or decorative treatment on the surface of walls and ceilings and interior trim shall be of material that will not, when burned, give off excessive amounts of smoke or objectionable gases injurious to health. Where fire resistant walls or barriers exist within a

building, they shall be maintained in a condition which maintains their fire resistant quality.

5.10.3 Walls around bathtubs and showers shall be impervious to water and maintained so as to be readily cleaned.

5.11 Access to Enclosed Space

5.11.1 An access opening of no less than 0.55 metres by 0.90 metres shall be provided to every Crawlspace in every Multiple Dwelling.

5.11.2 An access opening of no less than 0.55 metres by 0.90 metres shall be provided to every attic space in a Multiple Dwelling unit. An access opening to an attic space in a single Dwelling Unit shall be not less than 0.32 square metres in area, with no dimension less than 0.545 metres.

5.12 Inside and Outside Stairs and Means of Egress

5.12.1 Every inside and outside stair, porch, balcony or landing actually in use or available for use in or on every Residential Building and Accessory Building shall be maintained in good repair so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated shall be Repaired or replaced.

5.12.2 In a Dwelling Unit, every floor level containing a bedroom shall have an exit door or an outside window that:

- (i) is openable from the inside without the use of tools;
- (ii) provides an individual, unobstructed open portion having a minimum area of 0.35 square metres with no dimension less than 380 millimetres;
- (iii) maintains the required opening described in (ii) above without the need for additional support; and
- (iv) except for windows in Basement areas, has a minimum sill height of 1,000 millimetres above the finished floor.

5.13 Guards

5.13.1 Sections 5.13.1 thru 5.13.8 apply to Residential Buildings that are three (3) storeys or less in height, and Accessory Buildings.

5.13.2 Every surface to which an access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies and mezzanines, galleries and raised walkways, shall be protected by a Guard on each side that is not protected by a wall for the length, where:

- (i) there is a difference in elevation of more than 600 millimetres between the walking surface and the adjacent surface; or
- (ii) the adjacent surface with 1.2 metres from the walking surface has a slope of more than 1 in 2; or
- (iii) where an interior stair has three (3) or more risers, or an interior ramp rises more than 400 millimetres.

5.13.3 The Guards described in Section 5.13.2 shall be constructed and installed as prescribed in the Ontario Building Code.

5.13.4 Where Guards are installed in locations where they are not required, and are in the form of railings or balustrades containing openings, the openings shall be of a size that will:

- (i) prevent the passage of a spherical object 100 millimetres in diameter; or
- (ii) permit the passage of a spherical object 200 millimetres in diameter.

5.13.5 All Guards shall be installed and maintained in good repair. Guardrails, Guards and handrails shall be constructed and maintained rigid in nature.

5.13.6 Every Dwelling Unit and Accessory Building shall have a direct Means of Egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the street or Property at grade level.

5.13.7 A secondary Means of Egress shall be provided and maintained for every Dwelling Unit located on each floor above the first floor.

5.13.8 Where a Dwelling Unit is not located above or below another Unit, any floor without an exit door or access to a balcony must be served by an openable outside window or door that:

- (i) provides an individual, unobstructed open portion of not less than 1,000 millimetres in height and 550 millimetres in width; and
- (ii) is located so that the sill is not more than:
 - (a) 1,000 millimetres above the finished floor; and
 - (b) 7 metres above adjacent ground level.

5.14 Guards in Multiple Dwellings exceeding Three Storeys in Building Height

5.14.1 In Multiple Dwellings exceeding three (3) storeys in building height, Guards providing adequate protection against accident or injury shall be provided and maintained in good repair for all unprotected openings and open spaces in the following locations:

- (i) around every roof to which access is provided for other than maintenance;

- (ii) around every raised floor, mezzanine, balcony, gallery, bridge, exterior passageway or other location when the difference in elevation between floor levels or between floor and ground levels is greater than 600 millimetres;
- (iii) around every open side of a landing in a public stairway;
- (iv) across every window or glass panel in an exit stairway, public hallway or corridor, or any area accessible to the public that extends to less than 1070 millimetres above the stairs, landing or floor; and
- (v) across any window in a public area located above the second storey and that extends within 1.0 metre of the floor unless such window has fixed glazing.

5.14.2 In lieu of the protective Guards specified in Section 5.14.1 of this by-law, opening windows within a Dwelling Unit may be equipped with latching or automatic engaging devices to control the window openings and screens, provided that such windows and devices are manufactured and installed to the appropriate specifications set forth in the Ontario Building Code.

5.14.3 Where Guards are installed in locations where they are not required, and are in the form of railings or balustrades containing openings, the openings shall be of a size that will:

- (i) prevent the passage of a spherical object 100 millimetres in diameter, or
- (ii) permit the passage of a spherical object 200 millimetres in diameter.

5.15 Windows and Doors

5.15.1 In a Dwelling Unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit. At least one (1) 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. All exterior locking doors must be readily openable at all times from the inside without the use of keys.

5.15.2 Solid core doors or insulated steel doors shall be provided for all entrances to Dwellings and Dwelling Units.

5.15.3 In Multiple Dwellings where there is a voice communication unit working in conjunction with a security locking and release system which controls a particular entrance door and is installed between individual Dwelling Units and a secured entrance area (such as is commonly found in the public entrance to apartment buildings), the said system shall be maintained in good working order at all times.

5.15.4 Every window in a Dwelling Unit that is located above the first storey of a Multiple Dwelling shall be equipped with a safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 millimetre diameter 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.

5.16 Natural Light

5.16.1 Every Habitable Room, except a kitchen, shall have a window or windows, skylights or translucent panels facing directly to an outside space as required by Schedule "A" of this by-law.

5.17 Kitchens

5.17.1 Every Dwelling Unit shall contain a kitchen area equipped with:

- (i) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (ii) suitable storage area of not less than 0.23 cubic metres;
- (iii) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections; and
- (iv) a clear space above any exposed cooking surface of a cooking appliance of at least 0.6 metres.

5.17.2 All range hoods must be maintained in good working condition.

5.18 Water

5.18.1 Every Dwelling Unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

5.18.2 Every Dwelling Unit must be connected to a municipal water source where available.

5.18.3 Every sink, wash basin, bathtub or shower, required by this by-law shall have an adequate supply of hot and cold running water.

5.18.4 Every water heater installed for the purpose of supplying hot running water to the Occupants of a Dwelling Unit shall be capable of heating water to a temperature of 49 degrees Celsius.

5.19 Plumbing

5.19.1 All plumbing drain pipes, water pipes, plumbing fixtures and plumbing appurtenances in every Residential Building and Accessory Building, and every connecting line to the watermain, Storm Sewage system and Sanitary Sewage

system shall be maintained in good working order and free from leaks and defects.

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

5.19.3 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 cleaning and free from blemishes, cracks, stains, or other defects that may harbour germs.

5.19.4 Sanitary Sewage shall be discharged into the Municipal Sanitary Sewer System where such a system exists, and where a Municipal Sanitary Sewer System does not exist, the Sanitary Sewage shall be disposed of in a manner in accordance with the Ontario Building Code requirement for private on-site sewage systems.

5.20 Toilet Rooms and Bathroom Facilities

5.20.1 Every Dwelling Unit shall contain at least one (1) Bathroom.

5.20.2 Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every toilet shall have a suitable supply of cold running water.

5.20.3 Every Bathroom or Toilet Room shall be accessible from within the Dwelling Unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the user.

5.20.4 No toilet or urinal shall be located within a room that is used for:

- (i) the preparation, cooking, storing or consumption of food; or
- (ii) sleeping purposes.

5.21 Heating System

5.21.1 Every Dwelling Unit shall be provided with a heating system capable of continuously maintaining an indoor air temperature of not less than 22 degrees Celsius in all Habitable Rooms, Bathrooms and Toilet Rooms from September 15th to May 31st of each year.

5.21.2 The heating system and all associated mechanical equipment, piping and ducting shall be operated and maintained in good working order, free from unsafe conditions, and in accordance with the requirements of the Ontario Building Code.

5.21.3 No occupied Residential Building shall be equipped with portable heating equipment as the primary source of heat.

5.21.4 Notwithstanding Section 5.21.3, where Repairs are being performed to the primary heating system; temporary portable heat equipment may be provided until the Repairs are completed, provided the Repairs are completed within a reasonable amount of time.

5.21.5 No room heater shall be placed:

- (i) so as to constitute a fire hazard to walls, equipment, curtains or furniture;
- (ii) so as to impede free movement of Persons in the room; or
- (iii) in such a location that nearby combustible materials or structural members exceed a safe temperature.

5.21.6 A fuel-fired heating appliance shall not be located in corridors, hallways or other Means of Egress.

5.21.7 Any fuel-fired appliances used in a Residential Building and Accessory Building shall be properly connected to the fuel supply line as appropriate.

5.21.8 Any fuel fired appliances used in a Residential Building and Accessory Building shall be properly vented to the outside air by means of a properly installed flue, vent pipe or chimney.

5.22 Ventilation

5.22.1 Every Habitable Room, Bathroom and Toilet Room, shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area conforming to the Ontario Building Code, and shall be located in the exterior walls or through skylight openings or roof ventilators.

5.22.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes air once each hour.

5.22.3 All mechanical ventilation systems shall be maintained in good repair and in conformance with the Ontario Building Code.

5.22.4 Every unfinished Basement or Unheated Crawlspace shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than:

- (i) 0.2 percent of the floor area for unfinished Basements, and
- (ii) 0.1 square metres per 50.0 square metres of Crawlspace floor area.

5.22.5 An opening for natural ventilation may be omitted from a Basement or unheated Crawl space where a system of mechanical ventilation has been provided which changes the air once each hour.

5.22.6 Every enclosed attic or roof space shall be vented by openings to the exterior in conformance with the Ontario Building Code. Vents may be of roof, eave or gable end type or any combination thereof.

5.23 Air Conditioners

5.23.1 All air conditioners in a Residential Building and Accessory Building which are installed and operated directly over a sidewalk shall:

- (i) be properly secured and equipped with proper devices for the prevention of condensation drainage upon the sidewalk; and
- (ii) be installed with a clearance of 2.4 metres to the underside of the air conditioner.

5.24 Fireplaces

5.24.1 Fireplaces and similar devices or appliances in Residential Buildings and Accessory Buildings used or intended to be used for the burning of fuel, shall be connected to approved chimneys, smoke pipes, flues and gas vents and shall be installed so that combustible material and structural members in proximity to the unit are not heated beyond safe temperatures.

5.24.2 Any device identified in Section 5.24.1 of this by-law, shall be installed in accordance with the manufacturers specifications and installation instructions and in compliance with the requirements of the Ontario Building Code.

5.25 Chimneys

5.25.1 Every flue, vent pipe chimney and gas vent in a Residential Building and Accessory Building shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members beyond safe temperatures.

5.25.2 Every flue, vent pipe, chimney, and gas vent in use or available for use shall be:

- (i) installed in accordance with the manufacturers specifications;
- (ii) installed and maintained to prevent the escape of smoke or gases;
- (iii) free of obstructions;
- (iv) free from open joints; and
- (v) in good repair.

5.26 Furnace Room – Air Supply and Fuel Storage

- 5.26.1 In Multiple Dwellings with a common central heating system, such heating system shall be located in a Service Room, having floors, walls, ceiling, and doors, that separate the room from adjacent spaces as required by the Ontario Building Code. The Service Room shall not be used for the storage of fuels or any other material.
- 5.26.2 Notwithstanding Section 5.26.1 of this by-law, where any part of a Basement in a Multiple Dwelling is used as a Habitable Room, such Habitable Room shall be separated from a Service Room.
- 5.26.3 A space that contains a heating unit shall have natural or mechanical means of supplying air by ventilation duct from the outdoors in such quantities as to provide adequate combustion.
- 5.26.4 Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 5.26.5 Fire dampers, where required, shall be installed and maintained in compliance with the Ontario Building Code.

5.27 Electrical Service

- 5.27.1 Every Residential Building shall be wired for electricity and shall be connected to an approved electrical supply system.
- 5.27.2 Electrical wiring and all electrical fixtures located or used in a Residential Building and Accessory Building shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Safety Authority.
- 5.27.3 Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.
- 5.27.4 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent basis where, in the opinion of an Officer, a hazardous electrical condition exists as a result of such extension cords.
- 5.27.5 At every Dwelling Unit, an illuminating device capable of providing an adequate and safe level of illumination shall be installed:

- (i) in interior spaces, including every Habitable Room, kitchen, vestibule, Bathroom, Toilet Room, laundry room, utility room, hallway, stairway, Service Room, room used for storage, and garage;
- (ii) in unfinished Basements for every 30 square metres or part thereof; and
- (iii) at the exterior, at every entrance to the building and every carport.

5.27.6 All common halls and stairs in Multiple Dwellings shall be continuously lighted by a minimum of 5 watts per square metre of floor space.

5.27.7 All electrical receptacles and switches shall be covered with Canadian Standards Authority approved plates.

5.28 Disconnected Utilities

5.28.1 No Owner of a Residential Building, nor anyone acting on his or her behalf, shall disconnect or cause to be disconnected any service or utility providing electricity, heat, gas, or water from a building used for residential purposes and occupied by a Tenant or lessee, except for such reasonable period of time as may be required for the purpose of Repairing, replacing or altering such service or utility.

5.28.2 Section 5.28.1 of this by-law, does not apply if the tenancy agreement identifies the Tenant as responsible for the supply of any service or utility and that the supply of such service or utility has been discontinued due to the actions of the Tenant.

5.29 Garbage Disposal

5.29.1 Every Residential Building shall be provided with suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the Property between the regularly designated collection days. 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.

5.29.2 Plastic bags shall be considered acceptable receptacles provided they are adequately secured so as to prevent spillage and not stored outdoors unless protected from access by animals, vermin or rodents.

5.29.3 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Regional Municipality of Niagara's waste collection by-law where applicable or as otherwise arranged.

5.29.4 The Occupant of a Residential Building may provide for a compost heap for acceptable compostable materials as designated by the Regional Municipality of Niagara provided that the compost pile is no larger than 1 square metre and 1.8

metres in height and is enclosed on all sides by concrete block, or lumber with a tight fitting lid or in a 45 gallon container, a metal frame building with a concrete floor, or a commercial, plastic, enclosed container designed for composting and provided that the compost heap is located in a rear yard and not more than 0.6 metres from any side or rear property line.

5.30 Occupancy Standards

5.30.1 No Person shall use or permit the use of a Non-Habitable Room for use as a Habitable Room.

5.30.2 The number of Occupants, residing on a permanent basis in an individual Dwelling Unit, shall not exceed one (1) 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.

5.30.3 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 (2) or more Persons shall have a floor area of at least 4 square metres per Person.

5.30.4 In any Dwelling Unit a hallway, passageway or vestibule shall not be classified as a Habitable Room nor shall it be used as a bedroom.

5.30.5 Any Basement or portion thereof, used as a Dwelling Unit shall conform to the following requirements:

- (i) each Habitable Room shall comply with all the requirements set out in this by-law;
- (ii) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (iii) each Habitable Room shall be separated from Service Rooms by a suitable fire separation and approved under the Ontario Building Code;
- (iv) access to each Habitable Room shall be gained without passage through a Service Room; and
- (v) provision of windows and Means of Egress from each Habitable Room shall comply with the requirements of the Ontario Building Code.

SECTION 6 NON-RESIDENTIAL BUILDING STANDARDS

6.1 Structural Soundness

6.1.1 Every part of a Non-Residential Building or 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 level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be Repaired or replaced.

6.2 Foundations

- 6.2.1 Foundation walls and Basement and Crawlspace floors of every Non-Residential Building and Accessory Building shall be maintained in good repair and in a structurally sound condition, so as to prevent dangerous settlement or the entrance of moisture, rodents, vermin and insects. Without restricting the generality of this section, maintenance shall include the shoring of foundations, installing subsoil drains and footings, grouting masonry cracks and dampproofing of walls and floors.

6.3 Exterior Surfaces

- 6.3.1 Exterior walls of every Non-Residential Building and Accessory Building and their components, including soffits and fascia, shall be maintained in good repair and free from cracked or peeling paint, cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Untreated wood exterior surfaces shall be painted, preserved or coated so as to prevent deterioration due to weather conditions, insects or other damage.
- 6.3.2 Exterior parts of every Non-Residential Building and Accessory Building shall be kept free of objects or materials which have been improperly secured or which have become loose or unsecure. Such objects or materials shall be removed, properly secured or replaced.
- 6.3.3 All canopies, marquees, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhead projections shall be:
- (i) maintained in good repair;
 - (ii) properly anchored; and
 - (iii) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

6.4 Pest Prevention

- 6.4.1 Every Non-Residential Building and Accessory Building shall be kept free of rodents, vermin and insects. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act, R.S.O. 1990, CHAPTER E.19 and the Pesticides Act, R.S.O. 1990, CHAPTER P.11.

6.4.2 When a qualified exterminator is requested by an Order of an Officer, a certificate of completion must be provided to the City of St. Catharines.

6.4.3 Openings, including windows, that might permit the entry of rodents, vermin, insects or other pests shall be appropriately screened or sealed.

6.5 Maintenance

6.5.1 Every floor, interior and exterior wall, ceiling, roof, porch and appurtenance of every Non-Residential Building and Accessory Building shall be so maintained as to prevent collapse or injury to the Occupants or to the public.

6.6 Dampness

6.6.1 Floors, ceilings and walls of every Non-Residential Building and Accessory Building shall be maintained so as to prevent the entry of moisture that would contribute to dampness, damage, fungus, mold growth, decay or deterioration.

6.7 Floors

6.7.1 Every floor in a Non-Residential Building and an Accessory Building shall be smooth and level and shall be maintained in good repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or surfaces that might admit rodents. All defective floors shall be Repaired or replaced.

6.7.2 In rooms where plumbing fixtures are installed, the floor covering shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

6.8 Roofs

6.8.1 All roofs of Non-Residential Buildings and Accessory Buildings shall be maintained in a watertight condition to prevent leakage of water into the building and where necessary shall be maintained by the Repair of roofs and flashing and application of waterproofed coatings or coverings. Any deteriorated or damaged roof shingles shall be replaced.

6.8.2 Every eavestroughs and downspouts or equivalent roof drains shall be maintained:

- (i) watertight and free from leaks;
- (ii) free from any obstructions;
- (iii) in a stable condition and securely fastened; and
- (iv) so as to properly perform its intended function.

6.9 Walls and Ceilings

- 6.9.1 Every wall and ceiling in a Non-Residential Building and Accessory Building shall be maintained so as to be easily cleaned and shall be maintained in good repair.
- 6.9.2 Interior finish materials for acoustical correction, surface insulation, or decorative treatment on the surface of walls and ceilings and interior trim shall be of material that will not, when burned, give off excessive amounts of smoke or objectionable gases injurious to health. Where fire resistant walls or barriers exist within a building, they shall be maintained in a condition which maintains their fire resistant quality.
- 6.9.3 Walls around bathtubs and showers shall be impervious to water and maintained so as to be readily cleaned.

6.10 Inside and Outside Stairs and Means of Egress

- 6.10.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use in or on every Non-Residential Building and Accessory Building shall be maintained in good repair so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be Repaired or replaced.
- 6.10.2 All Means of Egress shall be maintained in good repair and free of objects or conditions which constitute a fire, health or accident hazard.

6.11 Guards

- 6.11.1 Every surface in or on a Non-Residential Building or Accessory Building to which an access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies and mezzanines, galleries and raised walkways, shall be protected by a Guard on each side that is not protected by a wall for the length, where:
- (i) there is a difference in elevation of more than 600 millimetres between the walking surface and the adjacent surface;
 - (ii) the adjacent surface with 1.2 metres from the walking surface has a slope of more than 1 in 2; or
 - (iii) where an interior stair has three (3) or more risers, or an interior ramp rises more than 400 millimetres.
- 6.11.2 The Guards described in Section 6.11.1 shall be constructed and installed as prescribed in the Ontario Building Code.

6.11.3 Where Guards are installed in locations where they are not required, and are in the form of railings or balustrades containing openings, the openings shall be of a size that will:

- (i) prevent the passage of a spherical object 100 millimetres in diameter; or
- (ii) permit the passage of a spherical object 200 millimetres in diameter.

6.11.4 All Guards shall be installed and maintained in good repair. Guardrails, Guards and handrails shall be constructed and maintained rigid in nature.

6.12 Windows and Doors

6.12.1 Windows, exterior doors and hatchways of Non-Residential Buildings and Accessory Buildings shall be maintained in good repair so as to prevent the entrance of wind, rain or snow into the building.

6.12.2 Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, Repaired or replaced.

6.12.3 Broken glass and missing or defective door and window hardware shall be Repaired or replaced.

6.12.4 All windows intended to be opened and all exterior doors shall have hardware readily openable from inside without the use of keys.

6.13 Light

6.13.1 Sufficient windows, skylights and electrical lighting fixtures in Non-Residential Buildings and Accessory Buildings shall be installed and maintained in order to provide illumination in all passageways and stairways whenever the building is in use, and in all stairways provided for use in case of fire or other emergency. All lighting must have protective covering.

6.14 Plumbing

6.14.1 All plumbing drain pipes, water pipes, plumbing fixtures and plumbing appurtenances in every Non-Residential Building and Accessory Building and every connecting line to the watermain, Storm Sewage system and Sanitary Sewage system shall be maintained in good working order and free from leaks and defects.

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

6.14.3 Sanitary Sewage or organic waste shall be discharged into the Municipal Sanitary Sewer System where such a system exists, and where a Municipal Sanitary Sewer System does not exist, the Sanitary Sewage shall be disposed of in a manner in accordance with the Ontario Building Code requirement for private on-site sewage systems.

6.14.4 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 cleaning and free from blemishes, cracks, stains, or other defects that may harbour germs.

6.15 Toilet Room Facilities

6.15.1 Non-Residential Buildings and Accessory Buildings in which people work, or that are accessible by the public, shall provide washroom facilities as required by the Ontario Building Code and be supplied with an adequate supply of hot and cold running water.

6.15.2 All Toilet Rooms shall be fully enclosed and provided with a door capable of being locked so as to provide privacy for the user.

6.15.3 All toilet facilities and Toilet Rooms shall be kept clean and neat at all times.

6.15.4 In all toilet facilities and Toilet Rooms, the floor covering shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

6.15.5 All Toilet Room walls and ceilings shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.

6.15.6 Every Toilet Room shall be provided with toilet paper, soap and individual towels or other means of drying.

6.15.7 Every Toilet Room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 900 cm².

6.15.8 An opening for natural ventilation may be omitted from a Toilet Room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.

6.16 Heating System

6.16.1 Where rooms or spaces in Non-Residential Buildings or Accessory Buildings are required, by the Ontario Building Code, to be heated, the heating equipment shall be capable of providing sufficient heat in every such room or space from September 15th to May 31st of each year.

6.16.2 The heating system and all associated mechanical equipment, piping and ducting shall be operated and maintained in good working order, free from unsafe conditions, and in accordance with the requirements of the Ontario Building Code.

6.16.3 Auxiliary heaters shall not be used as a primary source of heat.

6.16.4 No room heater shall be placed:

- (i) so as to constitute a fire hazard to walls, equipment, curtains or furniture;
- (ii) so as to impede free movement of Persons in the room; or
- (iii) in such a location that nearby combustible materials or structural members exceed a safe temperature.

6.16.5 Every chimney, smoke pipe, flue and vent shall be maintained so as to:

- (i) prevent gases from leaking into the building or Property; and
- (ii) be free of any defects.

6.16.6 Notwithstanding Section 6.16.3, where Repairs are being performed to the primary heating system; temporary portable heat equipment may be provided to the building until the Repairs are completed, provided the Repairs are completed within a reasonable amount of time.

6.17 Ventilation

6.17.1 Every room where people work, Bathroom and Toilet Room, shall have an opening or openings for natural ventilation and such opening or openings shall have a minimum aggregate unobstructed free flow area conforming to the Ontario Building Code, and shall be located in the exterior walls or through skylight openings or roof ventilators.

6.17.2 Every unfinished Basement or Unheated Crawlspace shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than:

- (i) 0.2 percent of the floor area for unfinished Basements; and
- (ii) 0.1 square metres per 50.0 square metres of Crawlspace floor area.

6.17.3 An opening for natural ventilation may be omitted from a Basement or unheated Crawlspace where a system of mechanical ventilation has been provided which changes the air once each hour.

6.17.4 All mechanical ventilation systems shall be maintained in good repair and in conformance with the Ontario Building Code.

6.18 Air Conditioners

6.18.1 All air conditioners in Non-Residential Buildings or Accessory Buildings which are installed and operated directly over a sidewalk shall:

- (i) be properly secured and equipped with proper devices for the prevention of condensation drainage upon the sidewalk; and
- (ii) be installed with a clearance of 2.4 metres to the underside of the air conditioner.

6.19 Electrical Service

6.19.1 Electrical wiring and all electrical fixtures located or used in a Non-Residential Building or Accessory Building shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Safety Authority.

6.19.2 Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.

6.19.3 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent basis where, in the opinion of an Officer, a hazardous electrical condition exists as a result of such extension cords.

6.19.4 All electrical receptacles and switches shall be covered with Canadian Standards Authority approved plates.

6.20 Garbage Disposal

6.20.1 Every Non-Residential Building or Accessory Building shall be provided with suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the Property.

6.20.2 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal as required to prevent such containers from overflowing onto the surrounding Lands.

SECTION 7 STANDARDS FOR VACANT BUILDINGS

- 7.1.1 Vacant Buildings shall have all water, sewage, electrical and gas services disconnected except for those services that are required for the security and maintenance of the Property.
- 7.1.2 The Owner of a Vacant Building shall protect the Vacant Building and Property against the risk of fire, storm, 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 any openings with appropriate materials including wood or plexiglass.
- 7.1.3 All boards used for boarding or securing any opening to the Vacant Building shall be installed from the exterior and shall be properly fitted in a watertight manner and fastened securely.
- 7.1.4 Except where plexiglass is used, all boards used for boarding or securing an opening to a Vacant Building shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.

SECTION 8 DESIGNATED HERITAGE PROPERTIES

8.1 General

- 8.1.1 In addition to the minimum Standards for the maintenance and occupancy of Property set out elsewhere in this by-law, the Owner or Occupant of a Part IV Heritage Property or Part V Heritage Property shall:
 - (i) maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure;
 - (ii) maintain the Property in a manner that will ensure the protection and preservation of the Heritage Attributes and values; and
 - (iii) where required, obtain a heritage permit prior to performing required work or causing any required work to be performed under this section of the by-law.

8.2 Repair of Heritage Attributes

- 8.2.1 Despite any other provisions of this by-law, where a Heritage Attribute of a Part IV Heritage Property or Part V Heritage Property can be Repaired, the Heritage Attribute shall not be replaced and instead shall be Repaired:
 - (i) in such a manner that minimizes damage to the Heritage Attributes and values and maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;

- (ii) using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- (iii) 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, if approved by the Director.

8.3 Replacement of Heritage Attributes

8.3.1 Despite any other provisions of this by-law, where a Heritage Attribute of a Part IV Heritage Property or Part V Heritage Property cannot be Repaired, as determined by the Director, the Heritage Attribute shall be replaced:

- (i) 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; and
- (ii) 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, if approved by the Director.

8.4 Clearing and Leveling of Heritage Properties

8.4.1 Despite any other provision of this by-law or the Ontario Building Code Act, no building or structure located on a Part IV Heritage Property or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the Ontario Heritage Act.

8.5 Vacant Heritage Properties

8.5.1 Where a Part IV Heritage Property or Part V Heritage Property is deemed to be vacant, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating, ventilation and exterior entrance lighting to prevent damage to the Heritage Attributes.

8.5.2 The Owner of a vacant Part IV Heritage Property or Part V Heritage Property shall protect the building and Property against the risk of fire, storm, 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 with appropriate materials including wood or plexiglass and securing any openings to the building.

8.5.3 All boards used for boarding or securing any opening to a Part IV Heritage Property or Part V Heritage Property shall be installed from the exterior and shall

be properly fitted in a watertight manner, fastened securely, and fit in such a manner so that all exterior trim and cladding remains uncovered and undamaged by the boarding.

- 8.5.4 Except where plexiglass is used, all boards used for boarding or securing an opening to a Part IV Heritage Property or Part V Heritage Property shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- 8.5.5 If not already in place, an exterior lighting fixture which provides adequate lighting shall be installed and/or maintained at all exterior building entrances, and such fixture may be activated by motion sensors.

8.6 Conflict

- 8.6.1 In the event of a conflict between the provisions of Section 8 of this by-law and any other provision of this by-law or the Ontario Building Code Act or the Ontario Heritage Act, the provision that establishes the highest standard for the protection of the Heritage Attributes shall prevail.

SECTION 9 STANDARDS FOR LAND

9.1 Drainage

- 9.1.1 Drainage from roofs and discharges from pools and spas shall:
- (i) be discharged on grade;
 - (ii) be directed to discharge in such a manner that prevents the entrance of water into a Dwelling, building or Accessory Building;
 - (iii) be directed in a manner that does not adversely affect neighbouring properties;
 - (iv) be directed to discharge only towards:
 - (a) the front yard;
 - (b) the rear yard; or
 - (c) the flanking yard of a corner lot.
 - (v) be directed to discharge no less than 1.2 metres from the street property line; and
 - (vi) not be directed or channeled to discharge onto sidewalks, stairs or landings.
- 9.1.2 Sump pump discharges from foundations shall:
- (i) be discharged into a storm drainage system where available; or
 - (ii) be discharged on grade;
 - (iii) be directed to discharge in such a manner that prevents the entrance of water into a Dwelling, building or Accessory Building;

- (iv) be directed in a manner that does not adversely affect neighbouring properties;
- (v) be directed to discharge only towards:
 - (a) the front yard;
 - (b) the rear yard; or
 - (c) the flanking yard of a corner lot.
- (vi) be directed to discharge no less than 1.2 metres from the street property line; and
- (vii) not be directed or channeled to discharge onto sidewalks, stairs or landings.

9.1.3 Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from their designed intent.

9.2 Walkways

9.2.1 Steps, walkways, and similar areas of the Land shall be maintained so as to afford safe passage under normal use and weather conditions.

9.3 Parking Areas and Driveways

9.3.1 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained:

- (i) in good repair;
- (ii) free from dust; and
- (iii) so as to afford safe passage under normal use and weather conditions.

9.4 Retaining Walls

9.4.1 Every retaining wall shall be maintained in stable condition, have all of its elements intact, and be free from accident hazards. Every retaining wall not maintained in accordance with these Standards shall be Repaired or replaced.

9.5 Swimming Pools

9.5.1 Where a Swimming Pool is determined by an Officer to be derelict or abandoned, the Officer may cause the Owner of the Swimming Pool to make Repairs or such other measures necessary to maintain the Swimming Pool in proper working condition or to remove the Swimming Pool from the Property.

SECTION 10 ADMINISTRATION AND ENFORCEMENT

10.1 Appointment of Officers

10.1.1 The Council of The Corporation of the City of St. Catharines shall appoint Officers to be responsible for the administration and enforcement of this by-law.

10.2 Inspections

10.2.1 An Officer may, upon producing proper identification, enter on Property (except a Dwelling Unit unless the consent of the Occupant has first been obtained) at any reasonable time without prior notice and without a warrant in accordance with Section 15.2 of the Ontario Building Code Act for the purpose of carrying out an inspection to determine whether the provisions of this by-law have been complied with or to determine whether an Order made pursuant to Section 9.3.1 of this by-law has been complied with.

10.2.2 For the purposes of an inspection, an Officer may be accompanied by a Person with special knowledge in relation to a Property or part thereof, and may require the production of information, documents or samples as permitted under Section 15.8 of the Ontario Building Code Act.

10.2.3 The Officer may inspect a Property:

- (i) upon formal request by the Owner or an Occupant;
- (ii) when so directed by resolution of Council;
- (iii) following a formal complaint being received; and
- (iv) when non-compliance with the Standards prescribed in this by-law is evident to the Officer from casual observation.

10.3 Orders

10.3.1 An Officer who, upon inspection of a Property, finds that the Property does not conform with any of the Standards prescribed in this by-law may make an Order pursuant to, and in accordance with Section 15.2 of the Ontario Building Code Act.

10.3.2 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.

10.3.3 The Order made by the Officer may be registered at the proper 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 9.3.2 of this by-law.

10.3.4 When the requirements of the Order have been satisfied, 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.

10.4 Extensions of Time

10.4.1 An Owner may request, in writing, an extension of the time for compliance with an Order issued under Section 10.3.1 of this by-law.

10.4.2 The Officer may grant extensions of time for compliance with any Order beyond the time permitted in such Order in any case where:

- (i) valid reasons exist in the Officer's opinion for the extension; and
- (ii) apart from such reasons, the Officer is satisfied that the Order will be complied with.

10.5 Property Standards Committee

10.5.1 Council shall appoint at large, by a Resolution, (or by-law) of Council no fewer than three (3) Persons of the municipality to the Committee for a term of office concurrent with Council.

10.5.2 Each member of the Committee appointed by Council shall be entitled to an honorarium of \$25.00 per hearing for their attendance at Committee meetings.

10.5.3 Where an appeal has been made, the Committee shall hear the appeal and shall have all of the powers and functions of the Officer and may confirm the Order or may modify or rescind it, or may extend the time for complying with the Order provided that in the opinion of the Committee, the general intent and purpose of this by-law is maintained.

10.6 Appeals

10.6.1 Every Person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act shall submit a Notice of Appeal in the time frame and the manner as prescribed in Section 15.3 of the Ontario Building Code Act. All Notices of Appeal shall be accompanied by a non-refundable fee as set by the Rates and Fees By-law for the City, as amended from time to time.

10.6.2 In the event that no appeal is made within fourteen (14) days of the service of the Order, the Order shall be deemed to have been confirmed and shall be final and binding.

10.7 Compliance

10.7.1 Every Person requiring the discharge of an Order registered in the Land Registry Office shall pay a fee as set by the Rates and Fees By-law for the City, as amended from time to time.

10.7.2 Every Person requiring a certificate of compliance shall pay a fee as set by the Rates and Fees By-law for the City, as amended from time to time.

10.8 Power of Municipality To Repair or Demolish

10.8.1 If the Owner or Occupant of a Property fails to Repair or to demolish the Property in accordance with a final and binding Order, the City of St. Catharines may, in addition to other remedies:

- (i) Repair or demolish the Property;
- (ii) clear the site of all buildings or structures and leave the site in a graded and levelled condition;
- (iii) make the site safe or impede entry by erecting fences, barricades or barriers; and/or
- (iv) cause a prosecution to be brought against any Person who is in breach of such an Order and upon conviction, such Person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the Ontario Building Code Act.

10.8.2 The City shall have a lien on the land for the amount spent on the Repairs or demolition carried out pursuant to Section 10.8.1 herein, and the amount shall have priority lien status as described in Section 1 of the Municipal Act, 2001.

10.8.3 The City shall not be liable to or compensate such Owners, Occupants or any Person having interest in the Property by reason of anything done by or on behalf of the City in reasonable exercise of its power under the provisions of this Section.

10.9 Hinder or Obstruct

10.9.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty, which is authorized under this by-law.

10.10 Offence

10.10.1 Any Person who fails to maintain Property in conformity with the Standards prescribed in this by-law, or fails to comply with a final and binding Order issued under this by-law is guilty of an offence under section 36(1) of the Ontario Building Code Act.

10.11 Penalty

10.11.1 Every Person who is convicted of contravening any provision of this by-law or of failing to comply with a final and binding Order is liable to a fine as provided for in Section 36 of the Ontario Building Code Act.

10.11.2 Where a conviction is entered for a violation of this by-law, in addition to any other remedy and to any penalty imposed under this by-law, the court in which

the conviction has been entered and any court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the Person convicted and requiring the Person convicted to correct the contravention.

10.12 Conflict

10.12.1 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.

10.13 Transitional Rules

10.13.1 After the date of the passing this by-law, By-law No. 76-320, as amended, shall apply only to those properties in 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 or any enforcement proceedings with respect to such Order, including any demolition, clearance, or Repair carried out by the municipality shall have been concluded.

11 BY-LAWS REPEALED

11.1 By-law No. 76-320 and amendments thereto is hereby repealed.

12 DATE OF EFFECT

12.1 This by-law comes into force and takes effect on the date that it is passed.

Read a first time this day of 2014.

Read a second time this day of 2014.

Read a third time and passed this day of 2014.

CLERK

MAYOR

SCHEDULE "A"

NATURAL LIGHT REQUIREMENTS

SECTION 5.16

Location ²	Minimum Unobstructed Glass Area ¹	
	Building Less Than 5 Years Old	Building 5 Years Old or Older
Laundry, basement recreation room, unfinished basement, Toilet Room, kitchen space	Windows not required	Windows not required
Living rooms, dining rooms	10% of area served	5% of area served
Bedrooms and other rooms not mentioned above	5% of area served	2.5% of area served

¹ The unobstructed glass area of an exterior door or skylight is considered equivalent to that of a window.

² Where rooms with different requirements for glass area are combined, the more restrictive requirement shall govern.