

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 16-15

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN THE TOWNSHIP OF SCUGOG AND REPEALING BY-LAW NUMBER 136-07

WHEREAS subsection 15.1(3) of the *Ontario Building Code Act*, S.O. 1992, C.23, as amended, authorizes a Municipality to pass a by-law prescribing the Standards for the maintenance and occupancy of Property within the Municipality provided the Official Plan for the Municipality includes provisions relating to Property conditions;

AND WHEREAS the Township of Scugog has in effect an Official Plan that includes provisions relating to Property Standards as provided in the *Ontario Building Code Act*, S.O. 1992, c.23; (as amended);

AND WHEREAS the Council of the Corporation of the Township of Scugog deems it necessary to pass a by-law under subsection 15.1(3) of the *Ontario Building Code Act*, S.O. 1992, c.23; (as amended);

AND WHEREAS subsection 15.6(1) of the *Ontario Building Code Act*, S.O. 1992, c.23; (as amended) requires that a by-law passed under subsection 15.1(3) shall provide for the establishment of a Property Standards Committee;

AND WHEREAS Section 391 of the *Municipal Act, 2001* S.O. 2001 c.25 allows for the Municipality to pass a By-Law relating to fees and charges for services or activities provided or done by or on behalf of the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG ENACTS THE FOLLOWING:

SHORT TITLE

This By-law may be referred to as the "Property Standards By-law".

INTERPRETATION

- (1) It is the intent of this By-law that the provisions shall be interpreted to reasonably control the maintenance and occupancy of all Property within the Township of Scugog in a condition so as not to affect the enjoyment of the community, and not to create any hazard for any Person within the Township.

- (2) Where an Officer appointed to enforce this By-law is not satisfied that a contravention of this By-law has occurred, the Officer shall not enforce the provisions of the By-law.

PART 1 - DEFINITIONS

In this By-law:

ACCESSORY BUILDING

Shall mean a detached Structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a primary use Building and located on the same lot.

APPLIANCE

Shall mean, but is not limited to, a stove, a refrigerator, a freezer, a clothing washer, clothing dryer, a dishwasher or a hot water tank.

APPROVED

Shall mean acceptance or approval by a Property Standards Officer, Committee or Council.

BASEMENT

Shall mean that portion of a Building which is partly underground but which has at least one-half of its height, from finished floor to the undersides of the floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the Building.

BUILDING

Shall mean a Structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of Persons, animals or goods.

BUILDING MATERIALS

Shall include but is not limited to: bricks, timber, blocks, stone, cement, concrete, roofing materials, plaster, insulation, siding, wattle and daub. As well as any tools or machinery used in the affixing, mixing, prepping, or completing of work.

CELLAR

Shall mean that portion of the Building which is partly or wholly underground and has more than one-half of its height, from finished floor to the underside of the floor joists of the storey next above, below the average finished grade level adjacent the exterior walls of the Building.

COMMITTEE

Shall mean the Property Standards Committee appointed by the Council of the Corporation of the Township of Scugog.

COMPOST HEAP

Shall mean a mixture of decaying organic matter used or intended to be used as fertilizer.

COUNCIL

Shall mean the Council of the Corporation of the Township of Scugog.

DEBRIS

Includes, but is not limited to, any rubbish or material of any kind and without limiting the generality of the foregoing shall include disused furniture, inoperative mechanical equipment, automotive and mechanical parts, materials from construction or demolition projects, discarded appliances, Inoperative Vehicles, and includes any other thing deemed debris where no evidence to the contrary exists.

DESIGNATED TRAINING AREA

Shall mean an enclosed area authorized by the Council for the purposes of Fire Department training.

DWELLING

Shall mean a Building or part of a Building, occupied or capable of being occupied, in whole or in part, as the home, residence or sleeping place of one or more Persons either continuously, permanently, temporarily or transiently.

DWELLING UNIT

Shall mean a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

FILL

Shall mean any type of material removed from, placed or dumped on lands and includes soil, stone, concrete, asphalt, dirt, sod or turf, either singly or in combination.

FIRST STOREY

Shall mean that part of a Building having a floor area closest to grade with a ceiling height of more than 1.8 meters (6 feet.) above grade.

GOOD REPAIR

Shall mean good working order and maintained in such a condition so as to be free from any malfunction, danger or hazard and not unsightly by reason of deterioration, damage or defacement.

GRAFFITI

Shall mean one or more letters, symbols or marks, howsoever made, without approval of the Owner, that disfigure or deface a Property or an object located thereon, but does not include a sign or a mural which has been authorized by the Township of Scugog.

GROUND COVER

Shall mean organic or non-organic material applied to prevent the erosion of the soil, including but not limited to concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

GUARD

Shall mean a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.

HABITABLE ROOM

Shall mean a room designed for living, sleeping, eating or food preparation, including a den, library, sewing-room or enclosed sunroom with a ceiling height of at least 2.13m (7ft).

HAND RAIL

Shall mean a narrow rail for holding as a support on stairs.

HERITAGE ATTRIBUTE

Shall mean in relation to real property, and to the buildings and Structures on the real property, the attributes of the property, buildings and Structures that contribute to their cultural heritage value or interest.

HERITAGE COMMITTEE

Shall mean the Heritage and Museum Advisory Committee or its successor whose members have been appointed by the Council of the Corporation of the Township of Scugog.

HERITAGE DISTRICT CONSERVATION AREA(S)

Shall mean any area or areas designated under Part V of the *Ontario Heritage Act*, R.S.O. 1990 as a Heritage Conservation District.

HERITAGE BUILDING

Shall mean any Building designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990 as a property of cultural heritage value or interest.

INOPERATIVE VEHICLE

Includes, but is not limited to, Vehicles or Motor Vehicles that, by reason of their appearance, mechanical condition or lack of current plates and/or validation sticker, appear to be inoperative.

IMMEDIATE

Shall mean a period of no longer than fourteen (14) consecutive days.

LAST KNOWN ADDRESS

Shall mean the address which appears on the Township of Scugog Assessment Roll.

LONG GRASS

Shall mean weeds and grass in excess of 20 centimetres in height.

MEANS OF EGRESS

Shall mean a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility used for the escape of Persons from any point within a Building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the Building.

MEDICAL OFFICER OF HEALTH

Shall mean the Medical Officer of Health with the Durham Regional Health Unit, any successor thereof and his or her designate.

MOTOR VEHICLE

Shall have the same meaning as provided in the *Highway Traffic Act*.

MOULD

Shall mean but is not limited to a growth form of fungus.

MOULD REMEDIATION AND ABATEMENT

Shall mean a set of guidelines or Standards for the removal of Mould deemed to be an industry standard.

MULTIPLE DWELLING

Shall mean a Building containing two (2) or more Dwelling Units.

NATURALIZED GROWING AREA

Shall mean an area such as wetlands, meadows, woodlots, valley lands and other relatively undisturbed lands that are home to many different plants and wildlife and may also include the green spaces and storm water management ponds and other areas approved by Council.

NON-RESIDENTIAL PROPERTY

Shall mean a Building or part of a Building not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

NOXIOUS WEED

Shall mean any weed classed as noxious by the *Weed Control Act*.

OCCUPANT

Shall mean any Person or Persons over the age of eighteen years in possession of the Property.

OFFICER

Shall mean a Person appointed as a Property Standards Officer by way of by-law passed by Council.

ORDER

Shall mean an Order Requiring Compliance issued by an Officer in accordance with the Ontario Building Code and this By-Law.

OWNER

Shall mean the Owner in-trust, a mortgagee in possession, or the Person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other Person who would so receive the rent if such land and premises were let, and shall also include a lessee 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 of Maintenance and Occupancy of the Property.

PERSON

Shall mean an individual, firm, corporation, association, partnership, company or organization.

PROPERTY

Shall mean a Vacant Lot, Building, Structure and includes the lands and premises appurtenant thereto and all fences, walkways, driveways, parking areas and erections thereon.

REFUSE

Shall include but is not limited to: animal waste or excrement, domestic garbage, grass cutting and leaves, hay, straw and manure, industrial waste, sawdust or shavings, sewage and paper sludge, snow and ice, swill or organic material, tree branches or roots, garden waste, earth or rock fill, old or decayed wood products.

REPAIR

Shall mean the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating and mending as may be required so that the Property shall conform to Standards established in this By-law, or the Ontario Building Code, whichever provides the greater provision of safety.

RESIDENTIAL PROPERTY

Shall mean any Property that is used or designed for human habitation.

SEWAGE SYSTEM

Shall mean the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.

STANDARDS

Shall mean the Standards of the physical condition and of occupancy prescribed for Property by this By-law.

STRUCTURE

Shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

STRUCTUALLY SOUND

Shall mean construction capable of withstanding the forces acting thereon when the Building or Structure is loaded in accordance with the provisions of the Ontario Building Code and having a factor of safety equivalent to that required by the Ontario Building Code.

TOILET ROOM

Shall mean a room containing a toilet and a wash basin.

TOWNSHIP OF SCUGOG

Shall mean the Corporation of the Township of Scugog and/or the geographic limits of the Township of Scugog as the context requires.

VEHICLE

Shall include a Motor Vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any thing drawn, propelled or driven by any kind of power, including muscular power.

WORKPLACE

Shall mean a Building or Structure or part thereof in which one or more employees work, including, but not limited to, amenity areas, corridors, elevators, foyers, hallways, laundry rooms, eating areas, lobbies, lounges, meeting rooms, stairways and washrooms.

PART 2
GENERAL PROVISIONS

2.01 SCOPE

- (1) This By-law applies to all Properties within the Township of Scugog.
- (2) No Person, being the owner or occupant of a Property, shall fail to maintain the Property in conformity with the Standards required in this By-law.
- (3) No Person shall occupy any Dwelling or Non-Residential Property where an Occupancy Permit pursuant to the Ontario Building Code has not been issued by the Township of Scugog.
- (4) The Owner of any Property, which does not conform to the Standards of this By-law shall Repair and maintain such Property to conform to the Standards, or shall clear the Property of all Buildings, Structures, Debris, or Refuse that prevent access to or exit from the Property in the case of emergency, or other safety or health hazard and shall leave the Property in a graded and levelled condition.

- (5) Subsection (4) does not apply to a Heritage Building. A Heritage Building which does not conform to the Standards of this By-law shall be Repaired and maintained so that the Property conforms to the Standards.
- (6) All Repairs and maintenance of Property required by the Standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- (7) All new construction, Repairs or demolition shall conform to the Ontario Building Code, where applicable.

2.02 PROPERTY

- (1) All Property shall be kept clean and free from:
 - (a) Debris and Refuse;
 - (b) objects or conditions that might create a health, fire, or accident hazard;
 - (c) Inoperative Vehicles and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the Property;
 - (d) Vehicles, Motor Vehicles or any of their component parts, whether operational or not, shall not be stored even temporarily on any organic area of any Property.
 - (e) Long Grass, Noxious Weeds, overgrown brush or undergrowth;
 - (f) dead, decayed, or damaged trees, limbs, branches and other natural growth;
 - (g) dilapidated, collapsed or partially constructed Buildings, or Structures;
 - (h) unprotected wells, deep ruts, or holes;
 - (i) injurious insects, termites or vermin and any condition which may promote an infestation;
 - (j) any object or obstruction as to create an unsafe or unsightly condition.
- (2) Subsection (1) (e) does not apply to areas considered Naturalized Growing Areas except for the presence of Noxious Weeds.
- (3) Subsection (1) does not apply to Inoperative Vehicles which are being privately renovated, Repaired or restored by their Owner where such Inoperative Vehicles do not exceed two (2) per Property, are not being stored even temporarily on any organic area, are shielded from public view and are not used for the storage of any materials.

2.03 SURFACE CONDITIONS

- (1) Surface conditions of all Property shall be maintained so as to:
 - (a) provided suitable Ground Cover;
 - (b) kept free of Debris and Refuse;
 - (c) prevent the unnecessary ponding of storm water;
 - (d) prevent the erosion of soil;
 - (e) be in character with the neighbouring environment;
 - (f) prevent surface water run-off from entering Basements of Buildings on the Property;
 - (g) prevent the purposeful direction of surface water run off to any other Property;
 - (h) prevent accumulations of dust or dirt from spreading to neighbouring Properties;
 - (i) provide for safe passage under normal use and weather conditions, day or night.

2.04 OUTSIDE STORAGE OF MATERIALS- NO IMMEDIATE USE

- (1) No Building Materials other than that intended for immediate use on the Property, shall be stored or allowed to remain in an exterior Property area.

2.05 LOT GRADING AND DRAINAGE

- (1) Where a Sewage System is installed, all sewage from the Property shall be discharged into the Sewage System.
- (2) Water from roof runoff or a sump shall not be discharged or allowed to migrate onto sidewalks, stairs, highways or onto any adjacent Property except where approved by the Township of Scugog.
- (3) No fill shall be allowed to remain in an unlevelled state on any Property for longer that thirty (30) days, unless the Property is:
 - (a) a construction site for which a Building Permit or Site Alteration Permit is in effect;
 - (b) a Property being subdivided under a subdivision agreement with the Township of Scugog.

2.06 PARKING AREAS- WALKWAYS-DRIVEWAYS

- (1) Surface conditions of all areas used for Vehicle traffic, parking, and walkways, shall be installed and maintained in a safe condition with non-organic ground cover or other surface covering approved by the Township of Scugog so as to:
 - (a) prevent ponding of storm water;
 - (b) not exhibit an unsightly appearance;
 - (c) be kept free of Debris
 - (d) be kept free of deep ruts and holes
 - (e) provide for safe passage under normal use and weather conditions, day or night; and
 - (f) not to create a nuisance to other Properties.
- (2) Where speed bumps have been installed, they shall be distinctively marked so as to be clearly visible to approaching pedestrian and vehicular traffic.
- (3) Where any Vehicle is being parked or stored for any period of time, the area where it is being parked or stored shall be maintained with proper Ground Cover, including gravel, asphalt, and concrete, but does not include, grass, dirt, or vegetation of any kind.

2.07 ACCESSORY BUILDINGS AND STRUCTURES

- (1) The foundations, walls, roofs, and all parts of Accessory Buildings shall be:
 - (a) constructed with suitable materials;
 - (b) maintained in Good Repair;
 - (c) protected from deterioration by the application of paint or other suitable protective material, and shall be of uniform colour unless the aesthetic characteristics of said Structure are enhanced by the lack of such material.

2.08 RETAINING WALL

- (1) All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a Structurally Sound condition

2.09 WELLS-CESSPOOLS-EXCAVATION

- (1) A well, cistern, cesspool, privy vault, pit, or excavation, shall be permanently sealed, or secured by a fence, covering, or netting, unless it is in active use, in which case it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required.

2.10 FENCES

- (1) A fence erected on a Property or separating adjoining Properties shall be maintained:
 - (a) in accordance with the Township of Scugog Fence By-law, and any amendments thereto;
 - (b) in Good Repair, free from loose or insufficiently secured, rotten, warped or broken materials;
 - (c) in a safe and 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 to;
 - (d) free from dangerous objects; and
 - (e) reasonably plumb, unless specifically designed to be other than vertical.

2.11 TOWER-GANTRIES-MASTS-ANTENNAE

- (1) Towers, gantries, masts, antennae and similar Structures and any attachment thereto, including flags and flag poles, shall be maintained:
 - (a) reasonably plumb, unless specifically designed to be other than vertical;
 - (b) in Good Repair, not to create an unsightly condition;
 - (c) in a safe and Structurally Sound condition.

2.12 SIGNS

- (1) A sign and any Structure connected therewith shall be installed and maintained:
 - (a) in accordance with the Township of Scugog Sign By-law, and any amendments thereto;
 - (b) in Good Repair without any visible deterioration when viewed from any Property other than the Property on which the sign is situated;
 - (c) in a safe and Structurally Sound condition;
 - (d) in a reasonably vertical plane unless otherwise approved by the Township of Scugog.
- (2) Any unused, discarded, or outdated sign, including its Structure shall be removed from the Property or shall be stored within a Building so as not to be seen by the public.

2.13 GARBAGE DISPOSAL

- (1) Every Building shall be provided with sufficient and proper receptacles to contain all Debris which accumulates on the Property.
- (2) Proper Receptacles shall be placed for collection in compliance with the Region of Durham Waste Management Program and not allowed to accumulate for longer than fourteen (14) days.

- (3) All garbage receptacles shall be:
 - (a) made of watertight construction;
 - (b) provided with a tight fitting cover, which may be removed only when the receptacle is being actively loaded or cleaned;
 - (c) maintained in good condition without holes or pillage;
 - (d) emptied, cleaned, rinsed, and closed when not in use, to prevent the escape of offensive odour or waste;
 - (e) stored in an area which is screened from public view.
- (3) An abandoned or inoperative Appliance shall not be left in common view unless it is awaiting removal, with its doors removed or securely fastened shut.
- (4) A Compost Heap shall be permitted provided that it is no larger than one and one half cubic meters (1.5m³) in size, is enclosed on all sides and is maintained in a neat and odour free condition.
- (5) The accumulation or storage of garbage, Debris, Appliances, or furniture in public view, hallways or stairways shall not be permitted.

2.14 SNOW REMOVAL

- (1) The following subsections apply to all Multiple Dwellings and commercial, industrial, and institutional Property that the general public has access to:
 - (a) all ramps and access routes leading to garages shall be kept free from accumulations of snow and ice at all times;
 - (b) all walkways and access routes to and from Buildings shall be kept free from accumulations of snow and ice at all times;
 - (c) all exterior parking areas, including driveways and laneways, shall be kept free from accumulations of snow and ice at all times.
- (2) A Property owner shall cause any snow disposal site or a snow storage site on that Property to be:
 - (a) maintained so as not to cause a hazard on the Property, or adjacent highway;
 - (b) maintained in such a manner and location on a Property so as to prevent a hazard, flooding, erosion, and other damage to neighbouring Properties.

2.15 GRAFFITI

- (1) All Property shall be kept clean of Graffiti, and all other wordings, symbols, or depictions that are not in character with the neighbouring environment.

2.16 SWIMMING POOLS

- (1) Every swimming pool, wading pool, hot tub and ornamental ponds shall be maintained:
 - (a) in a clean and safe condition free from health and safety hazards;
 - (b) free from leaks and faulty components and equipment;
 - (c) so that the water in the pool is properly filtered and purified so as not to present a health hazard.
- (2) Every swimming pool, wading pool, hot tub and ornamental pond while not in use shall be covered and treated to prevent stagnation of water and breeding of mosquitoes.
- (3) Derelict or abandoned swimming pools, wading pools, hot tubs and ornamental ponds shall be drained and removed or filled in and the land left in a graded and levelled condition, as per the Township of Scugog Site Alteration By-law.
- (4) No Owner shall allow water from a swimming pool, wading pool, hot tub and ornamental pond to drain or migrate onto sidewalks, stairs, highways or onto any adjacent Property except where approved by the Township of Scugog.

PART 3 **EXTERIOR PROPERTY AREAS**

3.01 STRUCTURAL SOUNDNESS

- (1) Every part of a Property shall be maintained in Good Repair and in a Structurally Sound condition so as to:
 - (a) be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - (b) prevent the entry of moisture that would contribute to damage, fungi, decay or deterioration;
 - (c) meet all requirements of the Ontario Building Code

3.02 FOUNDATIONS WALLS-BASEMENTS

- (1) All foundation walls and the Basement, Cellar, or crawl space floors shall be maintained in Good Repair and Structurally Sound as to:
 - (a) prevent the entrance of insects, and rodents;
 - (b) prevent the entrance of exterior water.

3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONARY

- (1) All exterior walls and surfaces of every Building or Structure shall be sound, plumb, and weather tight, free from loose or unsecured objects and maintained in a state of Good Repair free from cracked or broken masonry, defective or deteriorated wood, metal siding or trim, cracked, broken, or loose stucco, and loose and/or unsecured objects.
- (2) All exterior walls and surfaces shall be covered and maintained with paint or other suitable preservative or coating and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (3) Exterior walls of a Dwelling and their components shall be free of inappropriate signs, painted slogans, Graffiti and similar defacements.

3.04 WINDOWS AND DOORS

- (1) Windows, doors, skylights, attic, Basement or Cellar hatchways shall be maintained in Good Repair, in a safe condition and shall be of such condition so as to reasonably prevent the entrance of wind, snow, or rain into the Building and to minimize heat loss.
- (2) Where screening is provided on windows and doors it shall also be maintained in Good Repair.
- (3) All entrance doors and windows in every Dwelling Unit shall have hardware so as to be capable of being locked from the inside, with at least one entrance door being capable of being locked from the inside and outside of the Dwelling Unit.
- (4) All windows capable of being opened shall be equipped with a screen to prevent the passage of insects or rodents and the screen shall be maintained in Good Repair.
- (5) Solid core doors shall be provided for all entrances to Dwellings and Dwelling Units.
- (6) Every window in a leased Dwelling Unit that is located above the First Storey of the Dwelling shall be equipped with an approved safety device that will prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.05 ROOFS AND EAVES

- (1) Every roof and all of its components shall be maintained in Good Repair and in a safe and Structurally Sound condition.
- (2) Without restricting the generality of Subsection (1), every roof shall be kept:
 - (a) free from loose, unsecured, or rusted objects or materials;
 - (b) free from dangerous accumulations of snow or ice;
 - (c) in a water-tight condition so as to prevent leakage of water into the building.
- (3) Where eaves troughing or roof gutters are provided, they shall be kept in Good Repair, free from obstructions and properly secured to the Building.
- (4) Where eaves troughing or roof gutters have been removed, or are missing, they shall be replaced in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose.

3.06 CHIMNEY FLUES

- (1) Chimneys, vent pipes, smoke stacks, flues, ducts, and other similar equipment shall be constructed, installed, and maintained free from obstruction and shall prevent:
 - (a) the entrance of smoke or gases into a building;
 - (b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
 - (c) fire, health and other hazards;
 - (d) the leaking of water into the Building.
- (2) Any fuel burning equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney as per the Ontario Building Code.

3.07 GUARDS-HANDRAILS

- (1) A Guard shall be installed and maintained in Good Repair on the open side of any stairway, porch, balcony or ramp containing three (3) or more risers including the landing or a height of 600mm (24 inches) between adjacent levels.
- (2) A Handrail shall be installed and maintained in Good Repair in all stairwells.
- (3) A Guard shall be installed and maintained in Good Repair around all landings, porches, and balconies.

- (4) All Guards, Handrails, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be:
 - (a) maintained in Good Repair;
 - (b) properly anchored so as to be kept in a safe and secured condition;
 - (c) constructed and maintained in a rigid nature;
 - (d) structurally capable of supporting the loads imposed through their normal use;
 - (e) protected from decay by the application of paint or other suitable preservative as necessary.

PART 4

INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

- (1) In every Building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

4.02 WALLS-CEILINGS

- (1) Every interior surface and finish, of walls and ceilings shall be maintained:
 - (a) in Good Repair;
 - (b) in a reasonably smooth, hygienic, tight and easy to clean state;
 - (c) free of holes, cracks, loose plaster or other material;
 - (d) in a safe condition;
 - (e) so as to possess the fire resistant Properties required by the Ontario Building and Fire Codes.
- (2) In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water proof and readily cleaned.

4.03 FLOORS

- (1) Every floor shall be smooth, level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition.
- (2) Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be Repaired or replaced.
- (3) Every floor in a bathroom, kitchen, laundry room, shower and Toilet Room, shall be maintained so as to be impervious to water and easy to clean.

- (4) Every Cellar and Basement shall have a floor of concrete or other material acceptable under the provisions of the Ontario Building Code, to ensure water drainage and guard against the entry of vermin.

4.04 STAIRS-HANDRAILS-GUARDS

- (1) Every interior or exterior stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute an accident hazard.
- (2) All Guards, Handrails, stairways, fire escape, balconies, landings, porches and the like shall be:
 - (a) maintained in Good Repair so as to be free of holes and other defects which constitute accident hazards;
 - (b) properly anchored so as to be kept in a safe and secure condition;
 - (c) Structurally Sound for the loads imposed through their normal use;
 - (d) protected from decay by the application of paint or other suitable preservative as necessary.
- (3) Handrails shall be installed and maintained in Good Repair on all interior stairs that have more than 2 risers.

4.05 ELEVATING DEVICES

- (1) All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices, and all associated mechanical and electrical equipment, lighting fixtures, lamps, elevator buttons, floor indicators, ventilation fans and emergency communication systems shall be installed and maintained:
 - (a) in Good Repair;
 - (b) in a safe condition.

4.06 EGRESS

- (1) Every Building and Dwelling Unit shall have a safe, continuous and unobstructed passage from the interior to the exterior of the Building at street or grade level.
- (2) Exterior stairs and fire escapes shall be maintained in Good Repair and kept free of ice and snow.
- (3) The passage required as egress from one Dwelling Unit shall not pass through any other Dwelling Unit.

- (4) When installed in a Multiple Dwelling, a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, installed between individual Dwelling Units and a secured entrance area, shall be maintained in good working order at all times.
- (5) Where a Non-Residential Property contains Dwelling Units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such Dwelling Units.
- (6) All means of egress within a Non-Residential Property shall be:
 - (a) maintained free from all obstructions or impediments;
 - (b) provided with clear, unobstructed and readily visible exit signs, for every required exit;
 - (c) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of Persons exiting the building.
- (7) All Non-Residential Property containing more than one non-residential unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a non-residential unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 meters, (42 x 22 inches) with a sill height of not more than 0.914 meters, (36 inches), above the inside floor. A single exit is permitted from a non-residential unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a unit not under the immediate control of the Occupants of the unit.

4.07 HEATING

- (1) Every Residential Property shall have heating equipment capable of maintaining a temperature of 21° Celsius (70° Fahrenheit).
- (2) It is the responsibility of the Owner that all heating and mechanical systems, and their components be installed, operational and maintained in Good Repair.
- (3) Only heating equipment approved for use by a recognized Standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- (4) No rental Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.

- (5) Solid fuel burning appliances shall conform to the Standards as set out in the Ontario Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- (6) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

4.08 ELECTRICAL

- (1) Every Building shall be wired for electricity and shall be connected to an approved electrical supply system.
- (2) An adequate supply of electrical power shall be available in all occupied parts of every Dwelling Unit and Building.
- (3) The connection to the Building and the system of circuits and outlets distributing the electrical supply within the Building shall provide adequate capacity for the use of the Building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:
 - (a) in Good Repair;
 - (b) in compliance with the respective requirements of the Electrical Safety Code and Building Code;
 - (c) in a safe condition.
- (4) Extension cords are not permitted on a permanent basis.

4.09 VENTILATION

- (1) Adequate ventilation shall be provided to and maintained in all Buildings and spaces within a Building, including kitchens, bathrooms, Toilet Rooms, locker rooms and laundry rooms so as to prevent accumulations of heat, dust, fumes, gases, and other contaminants which may create a fire, explosion, toxic, or health hazard.
- (2) Every ventilation system shall be cleaned regularly and maintained in Good Repair.
- (3) When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this By-law.
- (4) Every Basement, Cellar, crawl space and attic shall be vented and such vents shall be designed and maintained to prevent the entry of snow, rain, rodents, and insects.

4.10 SEPARATIONS

- (1) Every Dwelling Unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from part of the Building that is not used for human habitation into other parts of the Dwelling Unit.

4.11 LIGHTING

- (1) Every stairway, exterior exit and entrance doorway, bathroom, Toilet Room, kitchen, hall, Cellar, Basement, laundry, furnace room and non-habitable work room shall have installed a permanent lighting fixture that shall be maintained in Good Repair.
- (2) Lighting equipment shall be installed throughout every Property to provide adequate illumination for the use of each space so as to provide safe passage.

4.12 PLUMBING

- (1) All plumbing, plumbing fixtures and every connecting line to the Sewage System shall be maintained in Good Repair and all water pipes and appurtenances thereto shall be protected from freezing.
- (2) Plumbing systems on a Property shall be provided, installed, and maintained:
 - (a) in compliance with the respective requirements of any applicable Act or By-law;
 - (b) in Good Repair;
 - (c) in a safe condition.
- (3) Damage caused as a result of a plumbing fault or moisture accumulation shall be promptly Repaired by the Owner in accordance with the Standards of this by-law.
- (4) All plumbing fixtures shall be connected to the Sewage System through water seal traps.

4.13 WATER SUPPLY

- (1) Every Dwelling and every Building to which water is available under pressure through piping shall be provided with:
 - (a) adequate supply of hot water with a temperature of at least 60° Celsius (140° Fahrenheit);
 - (b) piping for hot and cold water connected to every kitchen fixture, every wash basin, bathtub, shower, sink, and laundry areas;
 - (c) piping for cold water connected to every toilet and hose bib.

4.14 SEWAGE SYSTEM

- (1) Every plumbing fixture in every Building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal Sewage System, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- (2) Sewage or organic waste shall not be discharged to the surface of the ground, but into a Sewage System where such system exists. Where a Sewage System does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- (3) The land in the vicinity of a Sewage System shall be maintained in a condition that will not cause damage to, or impair the functioning of the Sewage System.

4.15 DISCONNECTED UTILITIES

- (1) Owners of Residential Property or any Persons acting on behalf of such Owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any Dwelling Unit or Dwelling occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of Repairing or replacing said service or utility.

4.16 RODENT CONTROL

- (1) Every Property shall be maintained so as to be free from rodents and conditions that may promote an infestation at all times.

4.17 MOULD

- (1) Every Owner or Occupant of a Dwelling or Workplace shall ensure that the Dwelling or Workplace is free from visible colonies of Mould.
- (2) Once an accumulation of Mould is confirmed in a Dwelling or Workplace, the Owner of the Dwelling or Workplace shall practice acceptable Mould Remediation and Abatement to all effected areas.
 - (a) If, in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide, at the owner's sole expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The Owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the

satisfaction of the Property Standards Officer.

PART 5
RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

- (1) A non-habitable room shall not be used as a Habitable Room.
- (2) No kitchen shall be used as a bedroom.
- (3) The number of Occupants, residing on a permanent basis in an individual Dwelling Unit, shall not exceed one Person for every nine (9) square meters (97 square feet) of habitable floor area. For the purpose of calculating habitable floor area any area with the minimum ceiling height less than 2.13 meters (7 feet) shall not be considered as habitable.
- (4) No room shall be used for sleeping purposes unless it has a minimum width of two (2) meters (6.5 feet) and a floor area of at least seven (7) square meters (75.3 square feet).
- (5) No room shall be used for sleeping purposes by two (2) or more Persons unless it has a floor area of at least four (4) square meters (43 square feet) per Person.
- (6) No Basement or portion thereof shall be used as a Dwelling Unit, unless it meets the following requirements:
 - (a) access to each Habitable Room shall be gained without passage through a furnace room, boiler room or storage room;
 - (b) each Habitable Room shall comply with all the requirements for ingress and egress;
 - (c) light, ventilation and ceiling height set out in this By-law;
 - (d) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (e) all relevant sections of the Ontario Fire Code.

5.02 TOILET AND BATHROOM FACILITIES

- (1) Every Dwelling Unit shall contain at least one (1) bathroom or Toilet Room containing plumbing fixtures consisting of a minimum of one toilet, one sink, and one bathtub or shower, and these fixtures will be maintained in Good Repair.
- (2) Every required bathroom or Toilet Room shall be located within and accessible from within the Dwelling Unit.
- (3) All bathrooms and Toilet Rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- (4) No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

- (5) Where a Toilet Room or bathroom is shared by Occupants of a residential accommodation, other than self-contained Dwelling Units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

5.03 KITCHENS

- (1) Every Dwelling shall contain a kitchen area equipped with:
 - (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) a suitable storage area;
 - (c) a counter or work area, exclusive of the sink, and covered with a material that is impervious to grease and water and is easily cleaned;
 - (d) a space provided for cooking and refrigeration Appliances including the suitable electrical or gas connections.

PART 6 **NON-RESIDENTIAL PROPERTY STANDARDS**

6.01 PROPERTY

- (1) Every Owner, and every Occupant in part of a Non-Residential Property that is under their control, shall maintain said Property to the Standards as described in Part 2 of this By-law and:
 - (a) in a sanitary and safe condition, free from Debris and Refuse including such Debris and Refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such Debris or Refuse;
 - (b) free from objects and conditions which are health, safety hazards;
- (2) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the Property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency Vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 meters (6 feet) in height and not greater than 2.6 meters (8.5 feet) and maintained in Good Repair. This provision shall not apply to areas covered by a Site Plan Agreement.

6.02 LIGHTING

- (1) All Non-Residential Properties shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all Persons attending the premises.
- (2) No lighting shall be positioned so as to cause any impairment of the use or enjoyment of neighbouring Properties.

6.03 DISCONNECTED UTILITIES

- (1) Owners of Non-Residential Properties or any Persons acting on behalf of such Owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, or water to any non-residential unit or Building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of Repairing or replacing said service or utility.

6.04 SALVAGE YARDS

- (1) All salvage yards shall be licensed in accordance with all relevant by-laws.
- (2) All salvage yards shall be effectively screened from public view by a visual barrier.

PART 7 **VACANT-DAMAGED-DEMOLITION**

7.01 VACANT LANDS

- (1) Vacant land shall be maintained to the Standards described in Part 2, of this By-law.

7.02 VACANT BUILDINGS

- (1) The Owner or agent of a vacant Building shall board up the Building to the satisfaction of the Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened to the building.
- (2) The Owner or agent of a vacant Building shall ensure that all utilities and services are properly turned off or disconnected except for those services that are required for the safety, security and maintenance of the Property.

7.03 FIRE OR OTHER DISASTER

- (1) In the event of fire or other disaster, measures shall be taken as soon as possible to restore the damaged Building or Structure to a state of Good Repair.

- (2) In the event the Building or Structure is beyond Repair, the land shall be cleared of all remains and left in a graded, level and tidy condition.

7.04 DEMOLITION

- (1) Where a Building, Accessory Building, or Structure is demolished, the Property shall be cleared of all Debris, Refuse, and other materials and left in a graded and levelled condition.
- (2) Where a Building, Accessory Building, or Structure is being demolished, every precaution shall be taken to protect the adjoining Property and members of the public. The precautions to be taken include but are not limited to the erection of fences, barricades, and covered walkways for pedestrians.
- (3) Prior to demolishing any Building or Accessory Building a Demolition Permit must first be obtained from the Chief Building Official.

PART 8 **HERITAGE CONSERVATION DISTRICT**

8.01 STANDARDS FOR HERITAGE PROPERTIES

- (1) In addition to the Standards for maintenance and occupancy of Property in the Township of Scugog as set out in this By-law, the owner or occupant of a Heritage Building shall:
 - (a) maintain, preserve and protect the Heritage Attributes so as to maintain the character, visual and structural integrity of the Building or Structure;
 - (b) maintain the Property and the components of the Property that hold up, support or protect the Heritage Attributes in a manner that will ensure their protection and preservation.
- (2) Notwithstanding any other Section of this By-law, where a Heritage Attribute of a Heritage Building can be Repaired, the Heritage Attribute shall not be replaced and shall be Repaired:
 - (a) in a manner that minimizes damage to the heritage values and attributes of the Property;
 - (b) in a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Building;
 - (c) using the same types of material as the original material being Repaired and in keeping with the design, colour, texture, grain and other distinctive features of the original material;
 - (d) where the same types of material as the original material are no longer available or considered impractical for modern use, using alternative materials, approved by the Heritage Committee, that replicate the design, colour, texture, grain or

other distinctive features and appearance of the original material.

- (3) Despite any other provision of this By-law and notwithstanding that a permit may be required under the *Ontario Heritage Act* or the *Ontario Building Code Act, 1992*, where a Heritage Attribute of a Heritage Building cannot be Repaired, the Heritage Attribute shall be replaced:
- (a) using the same types of material as the original;
 - (b) where the same types of material as the original material are no longer available or are impractical for modern use, using alternative materials, approved by the Heritage Committee, that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material;
 - (c) in a manner, approved by the Heritage Committee, that replicates the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute.

PART 9 **SERVICE FEES**

- 9.01** That the municipal service fees for the administration and enforcement of this By-law shall be in accordance with the Township of Scugog Fees and Charges By-Law as amended from time to time.

PART 10 **ADMINISTRATION AND ENFORCEMENT**

- 10.01** This By-law shall apply to all Property within the limits of the Township of Scugog.

- 10.02** The imperial measurements contained in this By-law are given for reference only.

- 10.03** This By-law shall be enforced on a written complaint basis only by an Officer.

10.04 OFFICERS

- (1) The Council of the Township of Scugog shall appoint an Officer(s) responsible for the administration and enforcement of this By-law.
- (2) An Officer or any Person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any Property or Structure that is not a Dwelling at any reasonable time without a warrant for the purpose of inspecting the Property to determine:
 - (a) whether the Property conforms with the Standards prescribed in this By-Law; or
 - (b) whether an Order made under this By-Law has been complied with.

- (3) An Officer or any Person acting under his/her instructions shall not enter any room or place actually used as a Dwelling without the consent of the occupier except under the authority of a Search Warrant issued under section 21 of the Ontario Building Code.

10.05 ORDER TO COMPLY

- (1) Where an Officer finds that a Property does not conform to any of the Standards prescribed in this By-law, the Officer may make an Order:
 - (a) stating the municipal address or the legal description of such Property;
 - (b) giving reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all Buildings, Structure and/or Debris and left in a graded and levelled condition;
 - (c) 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 Township of Scugog may carry out the Repair or clearance at the Owner's expense; and
 - (d) indicating the final date for giving notice of appeal from the Order.
- (2) An Order issued in accordance with article 10.05(1) shall be served on the Owner of the Property and such other Persons affected by it as the Officer determines. It shall be served personally and/or by registered mail sent to the Last Known Address of the Person to whom the Order is being given. Service shall be deemed to have been made on the fifth (5) day after the mailing of the Order.
- (3) Notwithstanding any other article of this By-Law, an Officer upon locating any Property that does not comply to any provision or part thereof of this By-Law and where such condition presents an immediate health, accident or other safety hazard, the Officer may issue an Emergency Order to Comply, pursuant to the provisions of the Ontario Building Code and a written complaint is not required in order for such Order to be issued and acted upon by the Officer.

10.06 CERTIFICATE OF COMPLIANCE

- (1) Where the Property, in the opinion of an Officer, complies with this By-Law, an Officer may, at his/her discretion or upon request of the property owner or authorized agent of the property owner, including applicable fees, issue a Certificate of Compliance to the owner.

10.07 REGISTRATION OF ORDER

- (1) An Order made under article 10.05(1) may be registered in the Land Registry office and, upon such registration, any Person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served and, when the requirements of the Order have been satisfied, the Clerk of the Township of Scugog 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.

10.08 PROPERTY STANDARDS COMMITTEE

- (1) There shall be and is hereby established a Property Standards Committee consisting of no fewer than three (3) members, who shall be rate payers in the municipality, appointed by a By-law to hold office for the term of Council.
- (2) A member of Council or an employee of the Township of Scugog or of a local board thereof is not eligible to be a member of the Property Standards Committee.
- (3) The Property Standards Committee shall elect from among them a Chairman and shall make provision for a Secretary, said Secretary being an employee of the Municipality.
- (4) The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Property Standards Committee.
- (5) When the Owner or Occupant upon whom an Order has been served in accordance with article 10.05(2) is not satisfied with the terms or conditions of the Order, they may appeal to the Property Standards Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen (14) days after service of the Order.
- (6) In the event that no Notice to Appeal is received within fourteen (14) days of service the Order shall be deemed final and binding.
- (7) Upon receipt of the Notice of Appeal the Secretary shall determine a date, time and place for the hearing of the Appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforementioned Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Property Standards Committee members and the Officer.

- (8) Where an Appeal has been taken, the Property Standards Committee shall hear the Appeal and shall have all the authority and functions of the Officer and may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the By-law and of the Official Plan or policy statement are maintained.

10.09 APPEAL TO ONTARIO COURT

- (1) The Township of Scugog or any Owner or Occupant or other Person affected by a decision of the Property Standards Committee may appeal to the Superior Court of Justice by notifying the Clerk of the Township of Scugog in writing and by applying to the court within fourteen (14) days after a copy of the decision is sent.
- (2) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the Persons upon whom the appointment is to be served.
- (3) On the appeal, the judge has the same powers and functions as the Property Standards Committee.

10.10 REMEDIES

- (1) Every Owner or Occupant of a Property shall comply with a Property Standards Order as confirmed or modified. Should the Owner or Occupant fail to demolish or Repair the Property in accordance with an Order as confirmed or modified, the Township of Scugog in addition to other remedies:
 - (a) shall have the right to demolish or Repair the Property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the Property;
 - (b) shall not be liable to compensate such Owner, Occupant or other Person having interest in the Property by reason of anything done by or on behalf of the Township of Scugog under the provisions of this article;
 - (c) may 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 provisions of section 36 of the *Ontario Building Code Act, SO. 1992, c.23*.
- (2) Where any Person fails to comply with a Property Standards Order, the municipality may cause the required work to be done at the cost of the Person. The cost of such work may be recovered by legal action or by adding the costs including an administration fee as levied in the Fees and Charges By-law, as amended from time to time, to the tax roll and collecting it in the same manner as Property taxes.

10.11 PENALTY

- (1) Any Person who fails to comply with an Order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the *Ontario Building Code Act, 1992* and is liable to a penalty or penalties as set out in Section 36 of that Act.

10.12 TRANSITION

- (1) After the date of the passing of this By-Law, By-Law 136-07 shall only apply to those Properties in which an Order has been issued 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 Township of Scugog shall have been concluded.

10.13 VALIDITY

- (1) If an article of this By-law is for any reason held to be invalid, by a court of competent jurisdiction the remaining articles shall remain in effect until repealed.
- (2) 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.
- (3) This By-law shall come into force and effect upon the date of its final passage subject to section 10.13.

10.14 REPEAL OF EXISTING BY-LAW

- (1) By-law 136-07 and any amendments made thereto are hereby repealed subject to section 10.13.
- (2) Read a First, Second and Third time and finally passed this day 30th day of March, 2015.

MAYOR, Thomas R. Rowett

CLERK, Christopher Harris