

PROPERTY MAINTENANCE

Chapter 611 PROPERTY STANDARDS - MINIMUM

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Article 1
SHORT TITLE

611.1.1 Citation

This Chapter may be cited as the "Minimum Property Standards By-law".

Article 2
INTERPRETATION

611.2.1 Accessory building - defined

"accessory building" means a detached building that is clearly incidental, subordinate and exclusively devoted to a main building, located within the same lot, and which is not used or intended for use as human habitation.

611.2.2 Act - defined

"Act" means the *Planning Act*, S.O. 1983, c. 1, as amended from time to time.

611.2.3 Apartment dwelling - defined

"apartment dwelling" means a building containing four or more dwelling units.

611.2.4 Appliances - defined

"appliances" means a refrigerator, a stove, a clothes washer, a clothes dryer, a dishwasher and a hot water tank.

611.2.5 Basement - defined

“basement” means that portion of a building between two floor levels the ceiling of which is less than six (6) feet (1.83 metres) and more than two (2) feet (0.61 metres) above the lot grade.

611.2.6 Certificate of compliance - defined

“certificate of compliance” means a certificate of compliance in the form as Schedule ‘A’.

611.2.7 Cellar - defined

“cellar” means that portion of a building between two floor levels the ceiling of which is two (2) feet (0.61 metres) or less above the lot grade.

611.2.8 City - defined

“City” means The Corporation of the City of Peterborough.

611.2.9 Committee - defined

“Committee” means the Property Standards Committee established under this Chapter.

611.2.10 Council - defined

“Council” means the Council of The Corporation of the City of Peterborough.

611.2.11 Dwelling - defined

“dwelling” means a building containing less than four (4) dwelling units.

611.2.12 Dwelling unit - defined

“dwelling unit” means one or more connecting rooms for the exclusive use of a family as a housekeeping unit and within which cooking, eating, living, sleeping and sanitary facilities are provided and also includes one or more connecting rooms for human occupancy within which only living and sleeping facilities are provided.

611.2.13 Habitable room - defined

“habitable room” means any room in a dwelling unit used or intended to be used for living, sleeping, eating or food preparation and does not include a bathroom.

611.2.14 Means of egress - defined

"means of egress" means a doorway, hallway, corridor, exterior passageway or balcony, lobby, stair, ramp or other facility or combination thereof provided for the escape of persons from a building, dwelling unit, floor area, contained open space or room to a public thoroughfare, street, lane, yard or other approved open space at grade level. Egress includes exits and access to exits. Elevators and windows shall not be considered as means of egress.

611.2.15 Medical Officer of Health - defined

"Medical Officer of Health" means the Medical Officer of Health for the City of Peterborough.

611.2.16 Non-habitable room - defined

"non-habitable room" means any room other than a habitable room, and includes any bathroom, toilet room, laundry room, pantry, lobby, communicating corridor, stairway, closet, unfinished basement, boiler room or other space for service and maintenance of a building or for public use, for access or for vertical travel between storeys.

611.2.17 Occupant - defined

"occupant" means any person or persons over the age of eighteen (18) years in possession of the property.

611.2.18 Officer - defined

"Officer" means a Property Standards Officer who has been appointed by by-law of Council to administer and enforce this Chapter.

611.2.19 Owner - defined

"owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his/her own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

611.2.20 Property - defined

"property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

611.2.21 Repair - defined

“repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this Chapter.

611.2.22 Residential property - defined

“residential property” means any property that is used, designed or intended for use as a dwelling or apartment dwelling and includes lands zoned for residential use.

611.2.23 Standards - defined

“standards” means the standards of physical condition and occupancy set out in this Chapter.

611.2.24 Yard - defined

“yard” means the area of a property not occupied by buildings and includes landscaped roofed areas.

611.2.25 Zoned - defined

“zoned” means as designated by the Zoning By-law as passed in force pursuant to the provisions of the *Planning Act*. By-law 1984-19, 4 June, 1984.

Article 3**GENERAL PROVISIONS****611.3.1 Conformity - all provisions - required**

No property shall be used or occupied except in conformity with the provisions of this Chapter, and all standards set out in this Chapter shall be deemed to impose duties and obligations upon owners and occupants of property, the contravention of which may result in such proceedings, procedures, prosecutions, orders, liabilities and penalties as are contained in this Chapter. By-law 1988-109, 16 May, 1988.

611.3.2 All property - applicable - complaints - investigated

This Chapter applies to all property in the City of Peterborough and contravention of the Chapter shall be investigated only on the basis of complaints.

611.3.3 Property - maintained - neat - tidy

Property shall be maintained in a neat and tidy condition. Without limiting the generality thereof; maintained in a neat and tidy condition includes the removal of:

- (a) rubbish, garbage, waste, litter, the trimmings from trees, shrubs or bushes;

- (b) noxious weeds;
- (c) grass or weeds over six (6) inches (15 centimetres) in height;
- (d) hedges and bushes which are unsightly or unreasonably overgrown;
- (e) trees, branches, poles, signs, aerials or other similar objects likely to cause an accident or fire because of their decayed or damaged condition;
- (f) motor vehicles and trailers in a wrecked, discarded, inoperative or abandoned condition; and
- (g) wrecked, discarded or abandoned machinery, furniture, tools or parts thereof.

611.3.4 Firewood - other - storage - residential property

The restrictions of Section 611.3.3 shall not prevent the occupant of a residential property from storing firewood or other good useable materials as long as the items are kept neatly in piles not in excess of eight (8) feet (2.44 metres) in height and located no closer than two (2) feet (0.61 metres) to a side or rear lot line.

611.3.5 Firewood - storage piles - location - size - restrictions

Such storage piles, as set out in Section 611.3.3, shall not occupy more than 20% of the property on which they are located nor may any of the piles be located between the front lot line and a line drawn parallel to it extending along the front of the dwelling to the side lot lines.

611.3.6 Compost heap - requirements - residential property

The restrictions of Section 611.3.3 shall not prevent the occupant of a residential property from having a neatly kept compost heap, provided it is no larger than eight (8) feet (2.44 metres) square, six (6) feet (1.83 metres) in height and retained on the sides by concrete blocks or lumber the same height as the heap.

611.3.7 Vehicle repair - restriction - residential property

The restrictions of Section 611.3.3 shall not prevent the occupant of a residential property from repairing his/her own motor vehicle. The said repair is to be limited to one vehicle which shall be actively repaired.

611.3.8 Savage yard - operation - licensed

The restrictions of Section 611.3.3 shall not prevent the operation of a licensed salvage yard.

611.3.9 Motor vehicle - compound - operation

The restrictions of Section 611.3.3 shall not prevent the operation of an approved motor vehicle compound or abandoned motor vehicle site.

611.3.10 Fences - maintained - good repair - structurally sound

Security and line fences shall be maintained in good repair and in a structurally sound condition.

611.3.11 Fences - damaged - sections missing - repaired

Missing or damaged sections of fences shall be repaired or replaced.

611.3.12 Culverts - clean - hole-free - protected from erosion

Culverts shall be kept in a clean and hole-free condition. The ends shall be protected from erosion.

611.3.13 Yards - graded - maintained - prevention - ponding

Yards shall be graded and maintained so as to prevent excessive or continuous ponding of water at or near buildings. Where stormwater run-off cannot be absorbed by the soil on the property, swales, catchbasins and storm drains shall be installed and connected to the municipal storm sewer system or open ditches.

611.3.14 Retaining walls - maintained - structurally sound

Retaining walls shall be maintained in a structurally sound condition.

611.3.15 Retaining walls - height - 24 inches - protection

Where the difference in elevation of a retaining wall exceeds 24 inches (61 centimetres) a fence, hedge or similar protection of at least 36 inches (91 centimetres) in height shall be provided along the top of the wall where the wall forms an angle of more than 70° with the horizontal.

611.3.16 Eavestroughing - downspouts - requirements

Every building located within two (2) feet (0.61 metres) of a property boundary, shall be equipped with eavestroughing and downspouts along that boundary in a manner that is capable of conducting water away from the building and adjoining property.

611.3.17 Eavestroughing - downspouts - maintained - clean

All eavestroughing and downspouts shall be maintained clean and hole-free.

611.3.18 Paths - sidewalks - patios - steps - maintained

All surfaced paths, sidewalks, patios, steps, ramps, driveways and parking lots that are used by tenants or the general public shall be:

- (a) maintained in a hole-free condition and any settlements that might cause tripping shall be eliminated;
- (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather. Snow

shall not be permitted to accumulate to a depth of over six (6) inches (15 centimetres); and

- (c) sufficiently illuminated at night so as to afford safe use.

611.3.19 Signs - maintained - safe

Signs shall be maintained:

- (a) in a safe condition; and
- (b) free of broken or damaged parts.

611.3.20 Signs - unused - removal - storage

Unused signs shall be completely removed from the property or stored inside a building.

611.3.21 Infestations - rodents - insects - removed - prevented

All necessary steps shall be taken to prevent infestation or entry of property by rodents, insects, birds or animals and if found therein they shall be immediately removed or exterminated and the building shall be secured to prevent further entry.

611.3.22 Building - walls - structurally sound

Every building and retaining wall or part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load or force that may be imposed upon it through normal use.

611.3.23 Numbers - address - affixed - exterior - building

The proper municipal address number shall be affixed to the exterior of every building.

611.3.24 Defacement - exterior surfaces - removal - restoration

All defamatory signs, symbols or language and other forms of defacement occurring on an exposed exterior surface shall be removed and the surface shall be restored as near as possible to the condition of the original surface.

611.3.25 Fire damaged - buildings - boarded - made safe

Buildings damaged by fire or other cause shall be:

- (a) made safe to neighbours, persons and to other users of the property;
- (b) boarded with substantial materials to prevent unauthorized entry; and
- (c) made secure in order to prevent damage to property and chattels.

611.3.26 Snow - ice - removal - roofs - fire escapes

Property shall be maintained in a safe condition which includes the removal of snow and ice from the roof of a building and from fire escapes where the same is unsafe.

611.3.27 Fire alarms - equipment - maintained

Property shall be maintained in a safe condition which includes the maintenance of fire alarm systems, smoke alarms, fire extinguishment and firefighting equipment.

611.3.28 Exits - standby - lighting - power - other - maintained

Property shall be maintained in a safe condition which includes the maintenance of smoke control measures, exit lighting, firefighting elevators, standby power, emergency lighting, self-closing devices, and voice communication systems for firefighting purposes.

611.3.29 Fire - gas - separations - maintained

Property shall be maintained in a safe condition which includes the maintenance of fire and gas separations.

611.3.30 Stairs - balustrades - railings - maintained

Property shall be maintained in a safe condition which includes the maintenance of stairs, balustrades, railings, guards and screens.

611.3.31 Exits - access - unencumbered - maintained

Property shall be maintained in a safe condition which includes the maintenance of exits and access to exits so as to permit free unencumbered passage from anywhere within a building to a safe place.

611.3.32 Storage - hazardous - dangerous - chemicals - proper

Property shall be maintained in a safe condition which includes the proper storage of hazardous, dangerous or corrosive liquids, chemicals or other such materials.

611.3.33 Garbage - storage - removal - regular

Property shall be maintained in a safe condition which includes the proper storage and regular removal of garbage, refuse, debris from storage bins, rooms and property.

611.3.34 Trees - branches - dead - decayed - removal

Property shall be maintained in a safe condition which includes the removal of dead or decayed trees or branches.

611.3.35 Insecure building parts - removed - secured

Property shall be maintained in a safe condition which includes the removal or securing of loose or insecure parts of a building or appurtenant parts thereof or attachments thereto including signs, fences, eavestrough, antennas, chimneys, soffits, fascia and roofing materials.

611.3.36 Exterior surfaces - painted - repaired - protected

Exterior floors, stairs, fire escapes, walls, window frames, door frames, doors and other exterior parts of buildings not inherently resistant to deterioration or in poor repair shall be treated with a protective coating of paint or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering.

611.3.37 Roof - maintained - water infiltration - prevented

The roof of every building shall be maintained so as to prevent the infiltration of water.

611.3.38 Windows - doors - fire separations - broken - replaced

All broken or cracked glazing in windows, doors and fire separations shall be replaced. By-law 1984-19, 4 June, 1984.

611.3.39 Deterioration - exterior masonry surfaces - maintained

All visible exterior masonry surfaces of buildings that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration of the original finish or shall be refinished with an equivalent preservative or protective finish. By-law 1987-160, 17 August, 1987.

611.3.40 Doors - entrance - keyed locking device - required

Entrance doors of residential accommodation shall be equipped with substantial hardware and a keyed locking device.

611.3.41 Doors - locking devices maintained - all times

The hardware and locking device shall be maintained in working condition at all times.

611.3.42 Floors - stairs - maintained - repaired - replaced

All floors and stairs and appurtenances thereto shall be maintained so as to be free of holes, broken, rotten or cracked boards or coverings and other defects and all supporting structural members that are rotted or deteriorated shall be repaired, secured or replaced.

611.3.43 Interior walls - floors - ceilings - clear - hole-free

Interior walls, floors and ceilings shall be maintained:

- (a) in a clean odour free condition; and

(b) free from holes.

611.3.44 Appliances - maintained - safe - efficient

Appliances supplied as part of residential accommodation shall be maintained in a safe and efficient operating condition at all times.

611.3.45 Capacity - per hundred sq. feet - dwelling unit

The number of persons accommodated in a dwelling unit shall not exceed one (1) person per one hundred (100) square feet (9 square metres) of floor area in habitable rooms, exclusive of kitchen or cooking areas.

611.3.46 Habitable - floor space - computed

For the purpose of computing the habitable room floor area, the floor area under a ceiling which is less than five (5) feet (1.5 metres) high shall not be counted and at least one-half (1/2) the floor area shall have a minimum ceiling height of seven (7) feet (2.1 metres).

611.3.47 Building - non-conforming - vacant - requirements

Every building or property not in conformity with the standards set out in this Chapter and remaining vacant for a continuous period of thirty (30) days or more shall be sufficiently secured to prevent entry by unauthorized persons, and such buildings may only be kept secured for a period of twelve (12) months after which time the building or buildings shall be either:

- (a) restored to conform with the standards of the Chapter within the next three (3) succeeding months; or
- (b) demolished.

**Article 4
EGRESS**

611.4.1 Dwelling unit - 2 required - exception

Every dwelling unit shall have two means of egress except that one means of egress is permitted for a dwelling unit where the entrance door to the dwelling unit is at or near grade level and the means of egress is not shared with any other dwelling unit.

611.4.2 Apartment - common hallway - exterior

Each dwelling unit in an apartment dwelling shall have its entrance door opening onto a common hallway or to the exterior at or near grade level.

611.4.3 Apartment - maximum - three (3) storeys

In an apartment dwelling of not more than three (3) storeys in height, the entrance door to a dwelling unit may open off a stairway if, a second entrance is provided that opens onto a separate stairway or corridor leading to a second means of egress.

611.4.4 Required - 2 separations - apartment - hallway

Each floor level of an apartment dwelling served by common hallways shall be provided with at least two (2) separate means of egress.

611.4.5 Through other room - building - prohibited

A required means of egress from a dwelling unit shall not pass through an attached or built-in garage, a room or dwelling unit not under the immediate control of the dwelling unit served, a furnace room, a storage room, a laundry room or a similar service area.

611.4.6 Safe - continuous - unobstructed passage - maintained

All required means of egress shall be maintained so as to permit safe, continuous and unobstructed passage at all times.

611.4.7 Fire separation - required

Every dwelling unit and its means of egress shall be fire separated from each other as required by the Ontario Building Code.

Article 5**WATER - SEWER - PLUMBING - REQUIREMENTS****611.5.1 Water - potable - supply - adequate - all buildings**

All buildings except accessory buildings shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

611.5.2 Water - hot - cold - adequate supply - required

All washbasins, bathtubs, showers and sinks shall be served by an adequate supply of hot and cold running water.

611.5.3 Sewer - connection - approved - all buildings

All plumbing fixtures shall discharge the water, liquids or sewage into drainage piping which shall be connected to a municipal sewer system or to a system approved by the Medical Officer of Health.

611.5.4 Water - to toilet - sufficient for operation - required

Cold water shall be supplied to every toilet and urinal in sufficient quantity to operate the fixture.

611.5.5 Plumbing - pipes - fixtures - conformance - required

All plumbing, drain pipes, water pipes, water closets and other plumbing fixtures and every connecting line to the sewage or waste disposal system shall conform to Regulation 736 made under the *Ontario Water Resources Act* and be maintained in good working order.

611.5.6 Plumbing - fixtures - minimum - requirements

Every dwelling unit shall contain plumbing fixtures consisting of at least one (1) serviceable water closet, sink, washbasin and bathtub or shower.

Article 6**INSULATION - WINDOWS - DOORS****611.6.1 Insulation - requirements**

Where practical, every building shall be insulated with insulation conforming to the Ontario Building Code.

611.6.2 Window - double glazed - storms - required

All windows in residential accommodation, except those in a garage, shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration.

611.6.3 Doors - exterior - storm doors - weather-stripping

All exterior doors of residential accommodation, except those in a garage, shall be provided with storm doors or other approved means of minimizing heat loss and infiltration, and weather-stripping shall be provided around all such doors.

611.6.4 Screens - required - openable windows - maintained

Screens shall be provided on the openable portion of windows, storm doors and patio doors of residential accommodation. Such screens shall be maintained in a hole-free condition at all times.

611.6.5 Window - hazards to children - protection

Protection shall be provided at all windows above the second floor of apartment dwellings to minimize the hazards to children in accordance with the provisions of Sections 611.6.6 through 611.6.9 inclusive.

611.6.6 Window - fixed - less than 1 meter - above floor

Except as provided in Section 611.6.8, fixed windows that extend to less than 1 metre from the floor shall be protected by guards to at least 1 metre above the floor or shall be designed to withstand a load of 40 pounds (18.14 kilograms) per linear foot and a concentrated load of 200 pounds (90.72 kilograms) applied concurrently.

611.6.7 Window - 1.5 meters - above floor - requirements

Except as provided in Section 611.6.8, any window which opens within 5 feet (1.5 metres) of the floor shall be protected:

- (a) by a guard designed so that no member, attachment or opening located between the floor and 1 metre (3 feet, 3 inches) above the floor will facilitate climbing; or
- (b) with controlled sash operation and a screen in accordance with Section 611.6.9; or
- (c) by an alternative device that does not reduce the degree of safety provided by subsections (a) or (b).

611.6.8 Window - protection - not necessary - exterior balcony

Protection of a window need not be provided where an exterior balcony is constructed for the full length of the window.

611.6.9 Window - controlled sash operation - screen

Where controlled sash operation and a screen is used as the method of protection it shall comply with:

- (a) CGSB 63-GP-2M (1976), "windows, extruded aluminum, vertical and horizontal sliding, medium duty";
- (b) CGSB 63-GP-3M (1976), "windows, extruding aluminum, vertical and horizontal sliding, standard duty";
- (c) CGSB 63-GP-5M (1976), "windows, steel, vertical and horizontal sliding, standard duty"; or
- (d) CGSB 63-GP-6M (1976), "windows, steel, vertical and horizontal sliding, medium duty".

611.6.10 Doors - public corridors - self-closing - latching

Doors between public corridors and dwelling units in apartment dwellings, shall be provided with self-closing devices and self-latching devices, such latching devices to be designed not to lock automatically upon closing.

Article 7**ELECTRICAL - REQUIREMENTS****611.7.1 Electricity - connection - requirements**

Dwelling units and all other buildings required to satisfy the provisions of the Ontario Building Code or the Ontario Electric Code shall be wired for electricity and connected to an electrical supply system.

611.7.2 Electrical - capacity - circuits - outlets - adequate

The capacity of the supply and the number of circuits and outlets provided within the building shall be adequate for the intended use.

611.7.3 Electrical - system - circuits - outlets - maintained

All electrical systems, circuits and outlets shall be maintained in a safe working order at all times.

611.7.4 Lighting - adequate - safe

Adequate lighting shall be installed and maintained so that the functions normally carried on inside or outside the building can be undertaken safely.

Article 8**VENTILATION - REQUIREMENTS****611.8.1 Ventilation - natural - mechanical - requirements**

Natural or mechanical ventilation shall be provided, in conformity to the requirements of the Ontario Building Code, to all rooms and spaces within a building to prevent accumulation of heat and contaminants likely to create a potential fire, explosion, toxic or health hazard.

611.8.2 Ventilation - mechanical - cleaned - maintained

Mechanical ventilation systems shall be cleaned regularly and maintained in good working order and in a safe condition at all times.

Article 9**HEATING SYSTEMS****611.9.1 Heating system - residential - minimum - requirements**

A heating system shall be installed by the owner in a residential building or dwelling unit and it shall be capable of maintaining a room temperature of seventy (70) degrees Fahrenheit (twenty-one (21) degrees Celsius) in all habitable rooms, bathrooms and water closet rooms at the outside design temperature specified in the Ontario Building Code and such system shall be maintained in good working condition.

611.9.2 Heating system - fuel - solid - liquid - storage

Where a heating system uses solid or liquid fuel, a suitable receptacle for the storage of fuel shall be provided and maintained in a convenient and safe location.

611.9.3 Heating system - connections - sealed - maintained

Rigid connections permanently sealed shall be maintained between equipment burning gaseous or liquid fuel and the supply or supply line and between such equipment and a chimney or flue.

611.9.4 Chimney - flue - outlet - sufficient

A chimney or flue shall provide a sufficient and adequate outlet to the outside for the escape of all noxious gases from a heating system.

611.9.5 Heating system - fuel supply - minimum capacity

The minimum capacity of a tank storing liquid fuel for a heating system of a residential building shall be two hundred (200) gallons (900 litres).

Article 10 SMOKE ALARMS

611.10.1 Smoke alarm - installation - conformance - standards

Smoke alarms conforming to ULC-S531-1978 "Standard for Smoke Alarms" shall be installed between sleeping rooms or sleeping areas of each dwelling unit, such as in a hallway or corridor, serving the sleeping rooms in each dwelling unit and in each sleeping room not within a dwelling unit.

611.10.2 Smoke alarm - audible - when doors closed

The smoke alarms shall, in the case of a dwelling unit, be audible within each sleeping room when intervening doors are closed.

611.10.3 Smoke alarm - installation - location

The smoke alarm shall be installed on the ceiling or on the walls between six (6) inches (15 centimetres) and twelve (12) inches (30 centimetres) below the ceiling in conformance with manufacturers installation instructions.

611.10.4 Smoke alarm - electrical - separate circuit

Where smoke alarms are connected to the building's electrical supply they shall be permanently installed on a standard outlet box and have no disconnect switch between the overcurrent device and the smoke alarms.

Article 11
CERTIFICATE OF COMPLIANCE

611.11.1 Inspection - property complying - issue - on request

If after inspection, the Officer is of the opinion that the property is in compliance with the standards of this Chapter and the owner of the property requests a certificate of compliance, he/she shall issue to the owner a certificate to this effect.

611.11.2 Fee - certificate of compliance

A fee of seventy-five dollars (\$75.00) shall be paid to the City prior to the issuance of a certificate of compliance.

Article 12
ORDERS - NOTICES

611.12.1 Notice - of non-compliance - served - registered

If after inspection, the Officer is satisfied that, in some respect, the property does not conform to standards prescribed in this Chapter, he/she shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein, a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

611.12.2 Order - to remedy - served - information - required

After affording any person served with a notice provided for by Section 611.12.1, an opportunity to appear before the Officer and make representations in connection therewith, the Officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing:

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition, and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

611.12.3 Notice - order - served - last know address

A notice or an order under Sections 611.12.1 and 611.12.2, when sent by registered mail, shall be sent to the last known address of the person to whom it is sent.

611.12.4 Placard - posted - conspicuous place - deemed service

If an Officer is unable to effect service under Sections 611.12.1 and 611.12.2, he/she shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of such notice or order shall be deemed to be sufficient service of the notice or order on the owner or other persons.

611.12.5 Placard - removal - prohibited

Once posted no person shall remove any sign, notice, order or placard placed on property by an Officer pursuant to this Chapter.

611.12.6 Dangerous condition - remedial repairs - immediate

Despite any other provisions of this Chapter, if after inspection, the Officer is satisfied there is non-conformity with the standards prescribed in this Chapter, to such an extent as to pose immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and require that remedial repairs or other work be carried out forthwith to terminate the danger.

611.12.7 Dangerous conditions - rectified - any measures

After making an order under Section 611.12.6 of this Chapter, the Officer may either before or after the order is served, take or cause to be taken any measures considered necessary to terminate the danger, and for this purpose the City has the right through its servants and agents, to enter in and upon the property from time to time.

611.12.8 Compensation - owner - prohibited

The officer, the City or anyone acting on behalf of the City is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under Section 611.12.7.

611.12.9 Notice - not served - situation remedied - procedure

Where the order is not served before measures were taken or caused to be taken by the Officer to terminate the danger as mentioned in Section 611.12.7, the Officer shall forthwith after the measures have been taken, serve or send copies of the order in accordance with Sections 611.12.2 and 611.12.3 on or to the owners of the property and all persons shown by the records of the registry office, land titles office and the sheriff's office to have any interest therein and each copy of the order shall have attached thereto a statement by the Officer describing the measures taken by the City and providing details of the amount expended in taking the measures.

611.12.10 Notice - served - situation remedied - procedure

Where the order was served before the measures were taken, the Officer shall forthwith, after the measures have been taken, serve or send a copy of the statement mentioned in Section 611.12.9 in accordance with Sections 611.12.2 through 611.12.5 inclusive, on or to the owner of the property and all persons mentioned in Section 611.12.1.

611.12.11 Application - to judge - confirming order - required

After the requirements of Section 611.12.9 and 611.12.10 have been complied with, the Officer shall apply to a judge of the County of Peterborough for an order confirming the order made under Section 611.12.6 and:

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his/her appointment may direct that it shall be served upon such persons and in such manner as he/she prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

611.12.12 Application - disposition - final - binding

The disposition of an application under Section 611.12.11 (c) is final and binding.

611.12.13 Expenses - City's - recovery - procedure - limitation

Where the City demolishes or repairs property as mentioned in Section 611.12.14 or takes measures to terminate a danger as mentioned in Section 611.12.7, the City may recover the expense incurred in respect thereof by any or all of the methods provided for in section 325 of the *Municipal Act*, R.S.O. 1980, c. 302, except that such amount, if any, as is to be borne by the City as a result of a determination under Section 611.12.11 (c) may not be recovered.

611.12.14 Order - confirmed - final - binding - on owner

The order is deemed to have been confirmed under Section 611.13.4 or as confirmed or modified by the Committee under Section 611.13.5 or in the event of an appeal to the judge under Section 611.13.6 as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

611.12.15 Repair - demolition - failure to comply

If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the City in addition to all other remedies 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.

611.12.16 Compensation - to owner - by City - prohibited

If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the City in addition to all other remedies shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this Article.

Article 13**PROPERTY STANDARDS COMMITTEE****611.13.1 Establishment - composition - 3 ratepayers**

There shall be and is hereby established a Property Standards Committee composed of at least three (3) ratepayers of the City of Peterborough.

611.13.2 Appointments - term - staggered

Appointments to the Committee shall be by resolution of Council and shall be for a term of three (3) years except that on first appointment of the Committee the Council shall designate members who shall hold office:

- (a) until the first (1st) day of January of the year following the date of appointment;
- (b) until the first (1st) day of January of the second year following the date of appointment; and
- (c) until the first (1st) day of January of the third year following the date of appointment, respective so that one member of the Committee shall retire each year.

611.13.3 Expiry - term - re-appointment

Members of the Committee shall hold office until their successors are appointed and are eligible for re-appointment.

611.13.4 Appeal - by owner - to Committee - procedure

When the owner or occupant upon whom an order has been served in accordance with this Chapter, is not satisfied with the terms or conditions of the order, he/she may appeal to the Committee by sending notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

611.13.5 Appeal - taken - Committee - powers - function

Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order, provided that, in the opinion of the Committee, the general intent and the purpose of the Chapter and of the official plan are maintained.

611.13.6 Appeal - Committee decision - procedure

The City or any owner or occupant or person affected by a decision under Section 611.13.5 may appeal to a judge of the County Court for the County of Peterborough by so notifying the Clerk of the City in writing and by applying for an appointment before the judge within fourteen (14) days after the sending of a copy of the decision, and

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in the appointment may direct that it shall be served upon such persons and in such manner as prescribed;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge on such appeal has the same powers and functions as the Committee. By-law 84-19, 4 June, 1984.

Article 14
ENFORCEMENT

611.14.1 Fine - for contravention

Any person contravening the terms and provisions of this Chapter is liable to a fine as specified in section 31 of the *Planning Act, 1983*, chapter 1, as amended. By-law 91-174, 24 June, 1991.

Article 15
REPEAL - ENACTMENT

611.15.1 By-laws - previous

By-law 1977-60, 1981-48 and section 9 of By-law 1982-3 are hereby repealed. By-law 84-19, 4 June, 1984.

611.15.2 Effective date - retroactive

Section 611.3.1 shall be deemed to apply retroactively and be deemed to be in full force and effect as of the 20th day of February, 1984. By-law 1988-109, 16 May, 1988.