By-law 2011-138

Property Standards By-law (Consolidated – as amended)

This By-law printed under and by the authority of the Council of the City of Barrie

A By-law of the Corporation of the City of Barrie to prescribe standards for the maintenance and occupancy of property within the City of Barrie, pursuant to Subsection 15.1-(3) of The Building Code Act, 1992, S.O. 1992, c.23 and to repeal By-law 2006-262 and By-law 85-32 as amended.

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Bill No. 156

BY-LAW NUMBER 2011-138

A By-law of the Corporation of the City of Barrie to prescribe standards for the maintenance and occupancy of property within the City of Barrie, pursuant to Subsection 15.1-(3) of The Building Code Act, 1992, S.O. 1992, c.23 and to repeal By-law 2006-262 and By-law 85-32 as amended.

WHEREAS subsection 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23, permits the Council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards;

AND WHEREAS subsection 15.1(3) of the Building Code Act, 1992 also permits said by-law to require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the Council of The Corporation of the City of Barrie deems it necessary to repeal By-law 2006-262 being a by-law to prescribe standards for the maintenance and occupancy of property within the City of Barrie, pursuant to Subsection 15.1-(3) of The Building Code Act;

AND WHEREAS the Council of The Corporation of The City of Barrie deems it expedient to continue to regulate the maintenance of properties within the City of Barrie;

AND WHEREAS by motion 11-G-108, the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

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2. SHORT TITLE

2.1. This By-law may be referred to as the "**PROPERTY STANDARDS BY-LAW".**

3. DEFINITIONS

3.1. All words used in this by-law shall be interpreted as defined in this by-law. Where definitions are not provided herein, the words shall be defined as provided firstly in the most current editions of the *Building Code Act* and the Ontario *Building Code*. Finally, any remaining words shall be as defined in the Concise English Oxford Dictionary in the context of the by-law application.

3.2. In this By-law;

(a) "**ACCESSORY BUILDING**" - shall mean any subordinate building or structure which is separate from or attached to the main building on the same lot and subordinate to a principle use of a building or structure, is not used for human habitation, is located on the same lot and may, without limiting the generality of the foregoing, include a private garage, swimming pools, private greenhouses, patios, carports, boat houses, solar collectors, garbage bin enclosures, raised play structures and gazebos.

(b) "**BATHROOM**" – shall mean a room containing a bath tub or shower with or without a water closet and lavatory.

(c) "**BARRIER-FREE**" - shall mean that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

(d) "**BASEMENT**" - shall mean that portion of a building between two floor levels which is partly below finished grade level in which the height from adjacent finished grade level to the ceiling is less than 1.8 metres.

(e) "**BUILDING CODE**" - shall mean Ontario Regulation 350/06 under the *Building Code Act,* and all amendments thereto.

(f) "**BUILDING CODE ACT**" - shall mean the *Building Code Act*, 1992, S.O. 1992, c.23, as amended.

(g) "**CITY**" - shall mean the Corporation of the City of Barrie.

(h) "**COMMERCIAL USE**" – shall mean a use in which services or goods are sold for gain or profit.

(i) "**COUNCIL**" – shall mean the Council of The Corporation of the City of Barrie.

(j) "**CRAWL SPACE**" – shall mean a space beneath a floor assembly with less than 1.8 m of clearance height.

(k) "**DOMESTIC GOODS**" shall mean goods associated with a residential occupancy and includes but is not limited to firewood, small amounts of building materials, garden equipment and furniture and household belongings and sports equipment that is in normal keeping with the principal use of the property.

(l) "**DWELLING**" - shall mean a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of residential occupancy and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

(m) "**DWELLING UNIT**" - shall mean a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

(n) "**FINISHED GRADE LEVEL**" - shall mean the average elevation of the finished surface of the ground abutting the external walls of the building or structure, exclusive of any embankment in lieu of steps.

(o) "**HABITABLE ROOM**" – shall mean any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.

(p) "**MAINTAIN**" – shall mean the preservation and keeping in good repair. Maintenance and maintained shall have the same meaning.

(q) "**MEDICAL OFFICER OF HEALTH**" – shall mean the Medical Officer of Health for the Simcoe Muskoka District Health Unit.

(r) "**MULTIPLE DWELLING**" - shall mean a building containing two or more dwelling units.

(s) "**NON-HABITABLE ROOM**" - shall mean any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, washroom, laundry, pantry, lobby, communicating corridor, stairway, closet, crawl space, furnace room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.

(t) "**NON-RESIDENTIAL PROPERTY**" - shall mean a building or structure not occupied or capable of being occupied in whole or in part for residential occupancy and includes the lands and premises appurtenant thereto.

(u) "**OCCUPANCY**" - shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

(v) "**OCCUPANT**" - shall mean any person or persons over the age of eighteen years in possession of the property.

(w) "**PROPERTY STANDARDS COMMITTEE**" – shall mean the Property Standards Committee established pursuant to Section 15.6 of the *Building Code Act.*

(x) "**PROPERTY STANDARDS OFFICER**" - shall mean a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the *Building Code Act.*

(y) "**RESIDENTIAL OCCUPANCY**" - shall mean the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harbored or detained to receive medical care or treatment or are not involuntarily detained.

(z) "**RESIDENTIAL PROPERTY**" - shall mean any property that is used or designed for residential occupancy, and includes any land or buildings that are appurtenant to such occupancy and all yards, landscaping, steps, walks, driveways, parking spaces and fences associated with the occupancy.

(aa) "**SEWAGE**" - shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm run-off.

(bb) "**SEWERAGE SYSTEM**" - shall mean the City sanitary sewerage system or a private sewage disposal system approved by the City.

(cc) "**STANDARDS**" - shall mean standards of physical condition and of occupancy prescribed for property in Parts I and II of this By-law.

(dd) "**SURFACE TREATED**" - shall mean paved with concrete, asphalt, stone, brick or any aggregate treated with a binding material.

(ee) "**WASHROOM**" - shall mean a room containing one or more water closets or one or more lavatories and may include other sanitary fixtures.

(ff) "**YARD**" - shall mean the land other than publicly owned land around and appurtenant to the whole or any part of a building or structure and lawfully used or intended to be used or capable of being used in connection with the building or structure.

4. SCOPE

4.1. The *standards* for *maintenance* and *occupancy* of property prescribed in Parts I and II of this By-law apply to all property in the *City*.

4.2. No person shall use, occupy or permit the use or *occupancy* of any *residential property* or any portion thereof that does not conform to the *standards* established in this By-law.

4.3. The owner of any property which does not conform to the *standards* established in this By-law shall repair and *maintain* such property to conform to the *standards*, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.

4.4. Where reference is made to the prescribed *standards* of the *Building Code*, compliance alternatives as allowed for in Part 11 of the *Building Code* can be substituted.

4.5. Any provincial or federal regulation that imposes a higher *maintenance* standard shall supersede this by-law.

PART I
GENERAL MAINTENANCE OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES

5. YARDS

5.1. *Yard*s and vacant property shall be kept clean and free from rubbish or other debris and from objects or conditions that create or might create a health, fire or accident hazard.

5.2. *Yard*s and vacant property shall be graded in a manner satisfactory to the *Property Standards Officer* to prevent the mounding of earth, dirt or rubble or the ponding of water.

5.3. Heavy undergrowth shall be eliminated from *yard*s and vacant property that are not zoned for agricultural use.

5.4. No vehicle including a trailer, or any part of such vehicle or trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the *City*, with the following exceptions:

(a) where it is part of an automotive repair establishment use, an automotive sales establishment (new or used) use or a vehicle compound use permitted by any zoning by-law;
(b) where it is part of any legal non-conforming automotive repair establishment use, automotive sales establishment (new or used) use, vehicle compound use or salvage *yard* use; or
(c) where the vehicle is operative and has been licensed pursuant to the provisions of the *Highway Traffic Act*, R.S.O. 1990, c.H. 8, within the immediately preceding period of one year.

5.5. *Domestic goods* may be stored:

(a) in a rear yard provided that such storage shall be neatly piled and is limited to a small amount that is consistent with the permitted use of the property.

(b) in the front yard provided that such storage is neat and limited to small amounts consistent with the use of the property.

5.6. No excessive storage shall be permitted in the front *yard* between the front of the building and the street line.

5.7. No person shall keep a swimming pool, hot tub, wading pool, garden fountain or artificial pond unless it is *maintained* in good repair and working condition. All swimming pools, hot tubs, wading pools and artificial ponds shall be kept free of water that is malodorous or that provides a breeding place for mosquitos, including that which may accumulate on or below a pool cover.

6.0 VACANT OR DERELICT BUILDINGS

6.1 For the purpose of this section “Derelict” shall mean: any building that is vacant and has experienced structural failure in whole or in part.”

6.2 For the purpose of maintenance of vacant buildings, all provisions within this By-law which regulate interior conditions of a building shall not apply. All provisions within this By-law which regulate exterior conditions and structural integrity shall apply with the exception of sections 19 and 31 when the building’s exterior openings are boarded in accordance with this By-law.

6.3 Notwithstanding all other provisions of this By-law the additional sections below shall apply to all vacant buildings.

6.4 If any building is unoccupied, the owner or agent shall protect every such building against the risk of fire, accident or other such hazard and shall effectively prevent the entrance thereto of all unauthorized persons.

6.4.1 if the normal locking of and other security measures for a building do not prevent entry, the owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.

6.4.2 If a building remains vacant for more than ninety (90) days, the owner or their agent thereof, shall ensure that all utilities serving the building are properly disconnected or shall otherwise secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

6.5 If a vacant building becomes derelict as defined in this By-law, the owner or their agent shall bring the building into compliance with all structural and exterior maintenance provisions of this By-law or such building shall be demolished in accordance with the Building Code Act.

7. SEWAGE AND DRAINAGE

7.1. *Sewage* or organic waste shall be discharged into a *sewerage system*.

7.2. No roof drainage, storm water drainage, sump pump discharge, or discharge from a swimming pool shall be directed or discharged directly onto a sidewalk, street, boulevard, stair or neighbour's property.

7.3. Storm water and pumped discharge water shall be drained from the *yard* so as to prevent recurrent ponding or the entrance of water into a building and in a manner that will minimize erosion of adjacent properties.

8. WALKS

8.1. There shall be a surface-treated walk leading from the main exterior entrance of every main building and every separately leased unit to the driveway or to the street.

9. SAFE PASSAGE AND BARRIER – FREE ACCESS

9.1. Steps, walks, ramps, driveways, parking spaces and similar areas of a *yard* shall be maintained so as to afford safe passage under normal use and weather conditions.

9.2. Accumulations of ice and snow shall be promptly removed from all main entrances and exits of occupied buildings.

9.3. Where buildings and property have been designated, designed, constructed or altered for *barrier-free* access, every *barrier-free* path of travel and all *barrier-free* features and equipment shall be installed in accordance with the *Building Code*, and shall be *maintained* in good repair and shall function as designed.

10. FENCES AND RETAINING WALLS

10.1. Fences shall be *maintained* in good condition and free from accident hazards. Fences shall be reasonably plumb, unless specifically designed to be other than vertical.

10.2. Retaining walls shall be safe, structurally sound and plumb, and capable of performing its intended function.

10.3. Where access is provided to the top edge of a retaining wall, a safety rail that is a minimum of 900 mm (2ft 11in) in height shall be provided and *maintained* when the difference in ground elevation exceeds 1.2 metres (3ft 11in).

11. GARBAGE DISPOSAL

11.1. Every building and every unit within a building shall utilize sufficient receptacles or garbage bags to contain all garbage and rubbish.

11.2. Outdoor garbage receptacles shall be:

(a) Made of rigid, water tight construction;

(b) Provided with a tight fitting cover; and

(c) *Maintained* in a clean state.

11.3. Garbage and rubbish shall be promptly stored in receptacles and made available for removal in accordance with *City* by-laws and all amendments thereto.

12. SURFACE TREATMENT OF OUTDOOR PARKING AND STORAGE AREAS IN INDUSTRIAL ZONES

12.1. The surfaces of open storage areas, off-street parking areas, loading and maneuvering areas in industrial zones, must be surface treated so as to prevent the raising of dust or loose particles.

12.2. All vehicular access thereto, including any primary means of vehicular access connecting these areas with a street shall be paved with an asphaltic or concrete surface, and in all cases, provisions shall be made for adequate drainage facilities.

13. PEST PREVENTION

13.1. A building shall be kept reasonably free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the *Pesticides Act,* R.S.O. 1990, c.P-11 and amendments thereto, and all regulations passed pursuant thereto.

13.2. Openings and holes in a building, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks, and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests shall be screened or sealed as appropriate.

14. FOUNDATIONS

14.1. Every building unless of the slab-on-grade type and except as provided in subsection 14.3 shall be supported by foundation walls or piers which extend below the frost line or to solid rock. All footings, foundation walls, piers, and slabs-on-grade shall be of concrete, masonry or other suitable material.

14.2. The foundation walls and the floors on grade shall be *maintained* in good repair and structurally sound and where necessary shall be so *maintained* by shoring of the walls, installing of foundation drains at the footing, tuckpointing, parging and dampproofing or waterproofing the walls and floors.

14.3. Subsection 14.1 does not apply to *accessory building*s, decks and as otherwise regulated by the *Building Code*.

14.4. Every space below grade in a building shall be adequately drained.

15. STRUCTURAL COMPONENTS

15.1. Every part of a building shall be *maintained* in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it may be subject through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

15.2. The exterior of every building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

15.3. All exterior surfaces shall be of materials which provide adequate protection from the weather.

16. ROOFS

16.1. A roof including the fascia board, soffit, cornice and flashing shall be *maintained* in a watertight condition so as to prevent leakage of water into the building.

16.2. All roofs shall be maintained free from loose or unsecured objects or materials and free from excessive or dangerous accumulations of snow, ice or both.

17. EXTERIOR OF A BUILDING

17.1. The exterior walls of a building and its components shall be *maintained* so as to prevent their deterioration due to:

(a) weather; and

(b) the entry of animals and insects.

17.2. The exterior walls of a building and its components shall be *maintained* by:

(a) the painting, restoring or repairing of the fascia board, soffit, cornice, walls, coping or flashing; and

(b) the dampproofing of joints and of the walls themselves.

18. GRAFFITI

18.1. Appropriate measures shall be taken to remove any objectionable markings, stains or other defacement occurring on all property and, where necessary, to restore the surface as near as possible, to its original condition.

19. DOORS AND WINDOWS

19.1. Exterior windows, exterior doors and *basement* hatchways shall be *maintained* in good repair so as to prevent the entrance of wind, rain or snow into the building.

19.2. Rotted or damaged doors, door frames, window frames, sashes and casings, weather stripping, broken glass and defective door and window hardware shall be repaired or replaced.

20. DAMPNESS

20.1. The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a floor on grade.

20.2. Every attic or roof space above an insulated ceiling shall be vented to the exterior in accordance with the *Building Code*.

21. STAIRS, PORCHES, BALCONIES AND DECKS

21.1. All interior and exterior stairs and all porches, balconies and decks shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and all treads, risers and walking surfaces must be uniform and any which show excessive wear or are broken, warped or loose and all supporting structural members which are rotted or deteriorated shall be repaired or replaced.

22. GUARDS AND HANDRAILS

22.1. A handrail shall be installed and *maintained* in good repair on all stairs in accordance with the *Building Code*.

22.2. Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.

22.3. The open side(s) of a stair, balcony, deck, porch or landing shall be protected by a guard in accordance with the *Building Code*.

23. ELEVATORS

23.1. Elevators shall be properly *maintained* and kept in operation except for such reasonable time as may be required to repair or replace them.

24. WATER SUPPLY

24.1. Every building intended to be occupied by persons shall be provided with a safe and adequate supply of potable running water from the municipal water supply system or from a private source approved by the *Medical Officer of Health*.

24.2. Every kitchen sink, lavatory, bathtub or shower required by this By-law shall have an adequate supply of hot and cold running water.

24.3. All hot water shall be supplied at a temperature of between 45°C and 49°C.

24.4. Adequate running water shall be supplied to every water closet.

25. PLUMBING

25.1. All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the *sewerage system* shall be *maintained* in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

25.2. All plumbing fixtures shall be connected to the *sewerage system* through water seal traps and adequate vents.

26. WASHROOM FACILITIES

26.1. All buildings provided with potable water shall contain plumbing fixtures as set out in the *Building Code*.

26.2. The *washroom* shall be accessible from within the building and adequately enclosed to provide privacy.

26.3. Where *barrier-free washroom*s have been required or provided, all features shall be *maintained* including signage, grab-bars, special fixtures and door hardware as outlined in the *Building Code*.

PART II

MAINTENANCE OF DWELLINGS AND DWELLING UNITS

27. WALLS AND CEILINGS

27.1. Every wall and ceiling shall be maintained so as to be easily cleaned and shall be free of holes, cracks, loose coverings or other defects.

27.2. Where *dwelling unit*s are separated vertically by dividing walls, such walls shall meet the regulations set out in the *Building Code*.

28. FLOORS

28.1. Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards which might cause an accident or allow dirt to accumulate and all defective floors shall be repaired.

28.2. Where floor boards have been covered with linoleum or some other covering which has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired, replaced or removed.

28.3. Every *bathroom* and *washroom* shall have a floor of water repellent construction with a water resistant base moulding.

29. BASEMENTS AND CRAWL SPACES

29.1. *Basement*s which are served by a stairway or entrance leading from the *dwelling* or from outside the *dwelling* shall have a concrete floor with a floor drain located at the lowest point of the said floor and connected to an approved drainage system.

29.2. *Basement*s or *crawl space*s which are not served by a stairway may have a dirt floor, provided it is covered with a moisture proof covering.

29.3. Where equipment requiring service such as plumbing, clean outs, traps and burners is located in *crawl space*s, an access way with a minimum area of 0.37 m^2 (4 ft^2) shall be provided.

30. CLEANLINESS

30.1. Every floor, wall, ceiling and fixture in a *dwelling* shall be maintained in a clean and sanitary condition and the *dwelling* shall be kept free from rubbish or other debris.

31. DOORS AND WINDOWS

31.1. In a *dwelling unit* all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured.

31.2. Vertical sliding windows shall incorporate latching or automatic engaging devices to restrict when engaged the opening of the operable sash to 100 mm (4 in) opening space between the bottom sash rail and the sill.

31.3. Horizontal sliding windows shall incorporate latching or automatic engaging devices to restrict when engaged the opening of the operable sash to a 100 mm (4 in) opening space between the sash stile and jamb.

31.4. Vertical sliding windows shall be provided with two latching devices.

31.5. Horizontal sliding windows shall be provided with a single latching device.

31.6. The main frame members shall be designed to receive screens of a type intended for use with the window.

31.7. Where screens are provided in a window or door, the screen shall be maintained in good condition.

32. KITCHEN, BATHROOM AND WASHROOM FACILITIES

32.1. Except as provided in subsection 32.2, every *dwelling unit* shall contain plumbing fixtures consisting of at least:

(a) a kitchen sink;

(b) a water closet;

(c) a lavatory; and

(d) a bathtub or shower.

32.2. The *occupant*s of more than one suite may share a water closet, lavatory, and bathtub or shower provided:

(a) not more than a total of eight (8) persons occupy both *dwelling unit*s; and

(b) access to the fixtures can be gained without going through rooms of another *dwelling unit* or outside the *dwelling*.

32.3. All household fixtures shall be installed and maintained in good working order and free from defects and repaired or replaced as required.

33. KITCHENS

33.1. Every self-contained *dwelling unit* shall contain a kitchen area equipped with a sink served with hot and cold water, storage facilities, a counter-top work area and space for a stove and refrigerator.

33.2. Every kitchen sink shall have a splash back and drain area of an impervious surface.

33.3. Every main cooking space shall have provided an adequate and approved energy source.

33.4. Except as permitted by the *Building Code*, combustible framing, finishes and cabinets located directly above a range shall be not less than 750mm (2ft 6 in) above the range burners or elements.

34. BATHROOMS AND WASHROOMS

34.1. All *bathroom*s and *washroom*s shall be located within and accessible from within the *dwelling*.

34.2. All *bathroom*s and *washroom*s shall be fully enclosed so as to provide privacy for the *occupant*.

35. VENTILATION

35.1. Except as provided for in subsection 35.2, every *habitable room* shall have an opening or openings for natural ventilation to the exterior and such opening or openings shall have a minimum aggregate unobstructed area of 0.3 m^2 (3.2 ft^2) and shall be located in the exterior walls or through openable parts of skylights.

35.2. An opening for natural ventilation may be omitted from a room if mechanical ventilation is provided, which is capable of changing the air at least once each hour.

35.3. Except as provided for in subsection 35.4, every *bathroom* or *washroom* shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 0.1 m^2 (1.1 ft^2).

35.4. An opening for natural ventilation may be omitted from a *bathroom* or *washroom* where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the *dwelling*.

35.5. All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

35.6. Every *basement* and unheated *crawl space* shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall be in accordance with the *Building Code*.

36. HEATING SYSTEM

36.1. Every *dwelling* shall be provided with an approved heating system capable of maintaining a room temperature of 20°C at 1.5 m (4 ft 11 in) above floor level and 1 m (3 ft 4 in) from exterior walls in all *habitable room*s, *bathroom*s and *washroom*s.

36.2. The heating system required by subsection 36.1 shall be maintained in good working condition so as to be capable of heating the *dwelling* safely to the required standard.

36.3. No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, or to impede the free movement of persons within the room where the heater is located.

36.4. Rigid connection shall be kept between all heating equipment, including cooking equipment, burning any fuel and a chimney or flue.

36.5. Rigid connections shall be kept between all heating equipment, including cooking equipment burning gaseous fuel, and the supply line, except that an approved flexible connection, not more than 600 mm (23 5/8 in) long, may be installed to permit cleaning behind a stove used for cooking.

36.6. A space which contains a heating unit shall have natural or mechanical means of supplying sufficient combustion air.

36.7. Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or approved receptacle for storage of the fuel shall be provided and maintained in a convenient location at least 1.5 m (4 ft 11 in) from the furnace and properly constructed so as to be free from fire or accident hazards.

36.8. Equipment burning fuel shall be properly vented to a duct leading to an adequate chimney or a vent flue approved for that purpose.

36.9. Every chimney, flue pipe and flue shall be maintained so as to prevent gases from leaking into the *dwelling*. Abandoned flues and chimneys shall be either removed or maintained in a safe condition, including being adequately capped.

36.10. All flues shall be kept clear of obstructions, all open joints shall be sealed and all broken and loose masonry shall be repaired.

36.11. Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use the temperature of any combustible material adjacent thereto, insulated there from, or in contact therewith, does not exceed a temperature of 71°C.

36.12. Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to an approved chimney and shall be installed in accordance with the regulations set out in the *Building Code*.

36.13. All heating equipment shall be installed to conform to the *Building Code*.

37. ELECTRICAL SERVICES

37.1. Electrical facilities complying reasonably with the requirements of the service provider shall be provided for all residential accommodations.

37.2. The electrical wiring and all electrical fixtures located or used in a *dwelling* shall be installed and maintained in good working order and in conformity with the Ontario Electrical Safety Authority.

37.3. Every *habitable room* shall contain at least one electrical duplex convenience outlet where the floor area does not exceed 11 m^2 (118.4 ft^2). For each additional 9 m^2 (96.9 ft^2) of floor area, one additional outlet shall be provided.

37.4. Fuses or overload devices shall conform to the Ontario Electrical Safety Authority.

37.5. Extension cords which are not part of a fixture shall not be permitted on a permanent basis**.**

38. LIGHT

38.1. Every *dwelling* shall be wired for electricity and lighting equipment shall be installed throughout to provide illumination.

38.2. An electrical light fixture shall be installed in every *bathroom*, *washroom*, laundry room, furnace room, kitchen, stairwell, and *basement*.

38.3. All public halls, stairs and outside entrances in *multiple dwelling*s shall be adequately lighted.

38.4. The provision of windows for natural light shall be provided as set out in the *Building Code*.

38.5. Whenever walls or other portions of structures are located on the outside less than 900 mm (2 ft 11 in) from a window, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.

38.6. A barrier or deflector shall be provided to prevent lighting from shining directly into an adjacent dwelling unit.

38.7. For the purpose of Section 38.6

"Directly or Directed" shall mean pointed or aimed into a window or doorway of an adjacent dwelling but shall not include ambient illumination of the adjacent property including the illumination of the interior of a dwelling on an adjacent property solely by ambient means.

39. OCCUPANCY STANDARDS

39.1. The maximum number of *occupant*s in a *dwelling unit* shall not exceed one person per 9 m^2 (96.9 ft^2) of *habitable room* floor area.

39.2. For the purposes of computing the maximum number of *occupant*s in subsection 39.1, any child under one year of age shall not be counted, and any child of more than one year of age but less than twelve years of age shall be deemed one-half person.

39.3. For the purpose of regulating and computing the *habitable room* floor space in subsection 39.1, the regulations set out in the *Building Code* shall apply.

39.4. No *basement* shall be used as a *habitable room* unless, in addition to subsection 39.3, it meets the following requirements:

(a) Floor and walls are constructed so as to be impervious to leakage of underground and surface runoff water and treated against dampness;

(b) Each *habitable room* shall meet all requirements for light, ventilation, area and ceiling height prescribed in this Bylaw or the *Building Code;* and

(c) Access to each *habitable room* shall be gained without passage through a furnace or boiler room.

39.5. Subject to the provisions of any lease, *occupant*s of *dwelling*s shall:

(a) Limit *occupancy* of that part of the premises which he/she occupies or controls to the maximum number of *occupant*s permitted by this By-law;

(b) Maintain that part of the premises which he/she occupies or controls in a clean, sanitary and safe condition;

(c) Maintain all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he/she occupies or controls in a clean and sanitary condition, and provide reasonable care in the operation and use thereof;

(d) Keep exits from his/her *dwelling unit* clean and unencumbered;

(e) Dispose of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of the City's by-laws; and

(f) Exterminate insects, rodents or other pests within his/her *dwelling unit*.

PART III

ADMINISTRATION

40. PROPERTY STANDARDS COMMITTEE

40.1. A *Property Standards Committee* shall be appointed by *Council* as follows;

(a) shall consist of five resident Barrie ratepayers; and

(b) shall serve a term that does not exceed the term of the *Council*.

40.2. The *Property Standards Committee* shall follow the Rules of Procedure as outlined in Appendix "A" of this By-law.

40.3. PENALTY FOR NON-COMPLIANCE

Any Person who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine pursuant to the *Building Code Act*, 1992, S.O. 1992, c.23 as amended**.**

41. VALIDITY

41.1. If any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

42. SERVICE FEES

42.1. That the municipal fees for the administration and enforcement of this By-law be in accordance with the *City*'s fees by-law and any revisions thereto.

43. FORCE AND EFFECT

43.1. That this By-law shall come into force and effect upon the day of passing thereof.

READ a first and second time this 28th day of November, 2011.

READ a third time and finally passed this 28th day of November, 2011.

THE CORPORATION OF THE CITY OF BARRIE

"MAYOR J.R. LEHMAN"

_____

MAYOR – J.R. LEHMAN

"DAWN A. MCALPINE"

_____

CITY CLERK – DAWN A. MCALPINE

APPENDIX "A"

The Corporation of the *City* of Barrie
Property Standards Committee

RULES OF PROCEDURE

To Govern the Proceedings of the *City* of Barrie *Property Standards Committee*

BACKGROUND

The *City* has had a property maintenance standards *By-law* since 1976. The *By-law* has continued to evolve and requires every property owner to maintain their property and buildings in good condition.

To enforce the *By-law*, City Council has approved the hiring of staff to investigate complaints and to require substandard properties to be brought into compliance.

In accordance with the *Building Code Act*, S. O. 1992, c. 23 a *Property Standards* Officer who finds a contravention of the *By-law* can issue an order to the owner of the property and such other persons affected by it.

An owner or *occupant* who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the *Property Standards Committee* by sending a notice of appeal by registered mail to the *secretary* of the *Committee* within 14 days after being served the order.

An order that is not appealed within the time referred to above shall be deemed to be confirmed. This document is intended to establish rules of procedure for the *Property Standards Committee* to carry out its duties.

1. DEFINITIONS

1.1. In these rules, unless the context requires otherwise:

(a) **"APPELLANT"** means a person appealing an order thereof pursuant to the By-law;

(b) **"BY-LAW "** means the Property Standards By-law of the City, as amended;

(c) **"CHAIR"** means the elected Chair of the Committee;

(d) **"CITY"** means The Corporation of the City of Barrie:

(e) **"COMMITTEE"** means the City's Property Standards Committee;

(f) **"HEARING"** means a hearing in any proceeding of the Committee;

(g) **"IN-PERSON PROCEEDING"** means an oral hearing at which the parties or their counsel or agents attend in person before the Committee;

(h) **"PROPERTY STANDARDS UNIT"** means the Property and Zoning Standards Unit of the Inspections Branch of the Building Services Department of the City of Barrie;

(i) **"PROCEEDING"** means a matter brought before the Committee under the provisions of the By-law or the Building Code Act S.O. 1992, C.23;

(j) **"QUORUM"** means the majority of the members of the Committee are in attendance and eligible to participate; and

(k) **"SECRETARY"** means the Secretary for the Committee.

2. INTERPRETATION

2.1. These rules shall receive such fair and liberal interpretation as will best ensure the most expeditious, just and least expensive determination of every *proceeding* on its merits.

2.2. Where matters are not provided for in these rules, the practice shall be determined by the *Committee* hearing the *proceeding*.

3. APPLICATION

3.1. These rules apply to all *proceedings* of the *Committee* in the exercise of its statutory power of decision, as defined in the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended.

3.2. These rules do not apply if a statute or the *By-law* provides for a different procedure to govern proceedings of the *Committee* in the exercise of its statutory powers of decision.

4. FAILURE TO COMPLY

4.1. Where a party to a *proceeding* has not complied in full with any rule, the *Committee* may:

(a) adjourn the *proceeding* until it is satisfied that such rule or order has been complied with; or

(b) take such other steps as it considers just and reasonable.

4.2. No *proceeding* is invalid by reason only of a defect or other irregularity in form.

5. APPEAL PERIOD

5.1. Orders issued by a *Property Standards Officer* pursuant to subsections 15.2 (2) and (3) of the *Building Code Act* may be served on the owner personally or by registered mail. Where service is by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless it can be proven to be later.

5.2. The a*ppellant* of the order has 14 days after being served the order to send a notice of appeal by registered mail to the *Secretary*.

6. REQUEST FOR HEARING

6.1. Where an *appellant* submits a notice of appeal and requests a *hearing* before the *Committee*, the request for a *hearing* shall be in writing by registered mail or in person to the *Secretary* and shall include:

(a) an identification of the *appellant* and any other party;

(b) the address, telephone number and, where available, e-mail address and facsimile number for each person identified in clause (a), and their agents, if any;

(c) the name, address, telephone number and, where available, e-mail address and facsimile number of any agent, representative, or lawyer representing the *appellant*; and

(d) whether special services *or* accommodation are required, including translation services or services for the visually or hearing impaired.

6.2. When a notice of appeal is received by the *Secretary*, he/she shall confirm that the notice was sent within the allowed appeal period. Late notices are invalid and are disqualified.

6.3. The *Secretary* shall set the time and place of a *hearing* after consulting with the *Committee* members and the *appellant*(s).

6.4. Once a date has been set for a *hearing*, it may not be adjourned except by notification of the *Secretary*. The reason for adjournment must be reasonable and justified.

6.5. Notice of the *hearing* shall be sent by the *Secretary* in writing to all parties affected by the order at least 14 days in advance of the *hearing*.

7. FAILURE TO ATTEND

7.1. Where a person is properly notified of a *hearing* and does not attend at the time and place appointed, the *Committee* may proceed in that person's absence and without further notice to that person.

8. FILING

8.1. Filing of any document, excluding the request for the appeal (see Procedure No. 6), may be effected by personal delivery, by ordinary or registered mail, or otherwise as the *Committee* may order, to the *Secretary*.

8.2. Where a document is filed, the date of the receipt stamp on the document shall be deemed to be the date of the filing, unless the *Committee* orders otherwise.

8.3. Where the *Committee* or the *Property Standards Unit* has no record of the receipt of a document alleged to have been filed, the documents shall be deemed not to have been filed, unless the *Committee* orders otherwise.

9. SELECTING A CHAIR AND A SECRETARY

9.1. At the first meeting of the *Committee's* term, the members shall select a *Chair* from among themselves. When the *Chair* is absent through illness or otherwise, the C*ommittee* may appoint another member as Acting *Chair*.

9.2. The Building Services Department shall provide a *Secretary* for the *Committee*.

9.3. The *Secretary* shall keep on file records of all official business of the *Committee*, including records of all applications and minutes of all decisions respecting these applications.

10. EXHIBITS

10.1. All parties to a *hearing*, particularly solicitors and agents, shall be required to bring to the *hearing* a sufficient number of copies for C*ommittee* members and opposing counsel of clear photos and/or other documents to be entered as evidence or exhibits.

11. CONDUCT OF PROCEEDINGS

11.1. *Proceedings* may be conducted in person only.

11.2. An *in-person proceeding* shall be conducted in the following order of presentation, unless the *Chair* directs otherwise:

(a) The *Chair* shall call the meeting to order after confirming a *quorum* of the *Committee* is present;

(b) The *Chair* shall explain to those in attendance at the hearing the format of the *proceedings* and the specific purpose of the *hearing*. The *Chair* should advise those present that the *Committee* will only be considering the compliance and non-compliance of a property or building with respect to the standards of the *By-law*, and the time granted for compliance. All evidence should therefore be restricted to these matters. The *hearing* is not for determining the resolution of any landlord and tenant disputes;

(c) The *Chair* shall solicit from those *Committee* members in attendance at the *hearing* any conflicts of pecuniary interest or other interest in any matter on the agenda for consideration;

(d) The *Property Standards Officer* may make an opening address and, subject to clause (e), shall then adduce evidence;

(e) An *appellant* may make an opening address immediately after the opening address of *Property Standards Officer* and before the *Property Standards Officer* adduces any evidence;

(f) When the evidence being called on behalf of the *Property Standards Officer* is concluded, the *appellant* may make an opening address, unless he or she has already done so pursuant to clause (e), and may then adduce his or her evidence;

(g) When the presentation of the evidence of the *appellant* is concluded, the *Property Standards Officer* may adduce any proper reply evidence;

(h) After all of the evidence has been adduced by all parties to the *proceeding*, the *Property Standards Officer* may make a closing address, followed by the closing address of the *appellant*, if he or she decides to do so; and

(i) Where there are two or more *appellants*, the order of presentation shall be as directed by the *Chair*.

11.3. Unless these Rules provide otherwise, witnesses at a *proceeding* shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination.

11.4. The *Committee* shall ensure that there is no undue harassment or embarrassment of the witness as he or she is giving evidence and may disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the *proceeding*.

11.5. The *Committee* may at any time during a *proceeding* direct that a witness be recalled for further examination.

11.6. Where a witness appears unwilling or unable to give answers to the questions being posed, the *Committee* may permit the party calling the witness to examine him or her by means of leading questions.

12. COMMITTEE DECISIONS

12.1. Upon receiving all of the evidence, the *Committee* may adjourn (in camera) and make a decision, and upon their return make their decision known to the affected parties.

12.2. The *Committee* may decide;

(a) to uphold the order in whole or in part, with no additional time granted for compliance;

(b) to uphold the order in whole or in part with additional time granted for all or some of the deficiencies to be complied with;

(c) to remove any items from the order that have already been complied with, or have been determined to be invalid;

(d) to modify any items within the order in any manner seen fit by the *Committee*;

(e) to quash the order, in whole or in part, based on any technical or procedural error;

(f) to defer a decision to a later date pending the receipt of additional information from any party to the *hearing*; or

(g) to reserve a decision to a later date pending further consideration by the *Committee* of the evidence submitted at the *hearing*, at which time the decision can be provided in writing to all parties to the *hearing*.

12.3. The *Chair* upon rendering the *Committee's* decision should inform the *appellant* of their rights to appeal a decision of the *Committee* to a Judge of the Superior Court of Justice pursuant to the *Building Code Act.*

12.4. The *Secretary* shall prepare a written record of the *hearing* including minutes of the *hearing* and the decision (with conditions, if applicable).

12.5. The *Secretary* should arrange for the required signature(s) on the decision, prior to mailing it to the *appellant* and providing a copy to the *Property Standards Officer*. The *Chair* shall sign the decision on behalf of all *Committee* members present at the *hearing*.

12.6. The *Secretary* shall send the decision to the *appellant* by registered mail.

13. RIGHT TO APPEAL A COMMITTEE DECISION

13.1. The *City* or any owner or *occupant* or person affected by a decision under subsection 15.3(3.1) of the *Building Code Act*, may appeal to the Superior Court of Justice by notifying the City Clerk of the City of Barrie in writing and by applying to the court, within 14 days after a copy of the decision is sent.

14. ORDER CONFIRMATION

14.1. An order that is deemed to be confirmed pursuant to subsection 15.3(2), of the *Building Code Act* or that is confirmed or modified by the *Committee* under subsection 15.3(3), of the *Building Code Act* or a Judge under subsection 15.3(6), of the *Building Code Act* as the case may be, shall be final and binding upon the owner and *occupant* who shall carry out the repair or demolition within the time and manner specified in the order.

Amendments to Property Standards By-law 2011-138

By-law 2014-061	Section 6 Vacant and Derelict Buildings	June 2, 2014
By-law 2018-009	Property Standards Review	February 12, 2018 (amendments effective May 1, 2018)
By-law 2025-072	Sections 5.5, 38.6, and 38.7	June 18, 2025