



OFFICE CONSOLIDATION
PROPERTY STANDARDS BY-LAW
BY-LAW NUMBER 5943/02

Passed by Council on January 21, 2002

Last Update: January 21, 2002

Amendments: None

By-law	date passed	section amended
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THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NUMBER 5943/02

Being a by-law for prescribing standards for the maintenance and occupancy of property within the City of Pickering.

WHEREAS pursuant to section 15.1(3) of the *Building Code Act*, S.O. 1992, c. 23, as amended, the Council of a municipality may pass a by-law for prescribing standards of maintenance and occupancy of property within the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

PART I **SHORT TITLE**

1. (1) This By-law may be cited as the "Property Standards By-law".

PART II **DEFINITIONS AND GENERAL PROVISIONS**

Scope

2. (1) The definitions as set forth under Part 1 of the *Building Code Act, 1992*, and the definitions as set forth in Section 3 of this By-law shall apply to the interpretation of this By-law.

(2) Interchangeability - Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the singular.

- (3) Terms Defined - Unless otherwise expressly stated, terms shall, for the purpose of this section, have the meanings indicated in Section 3.
- (4) Terms Not Defined - Where terms are not defined under the Act or the provisions of this By-law, they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinary accepted meanings and such as the context herein may imply.

Definitions

3. (1) Accessory Building - means any *building* or *structure* which is separate from or attached to the main *building* on the *property* on which both are located and the use of which is an accessory to that of the said main *building* or *property* and shall include swimming pools, private greenhouses, patio shelters and carports.
- (2) Basement - means that portion of a *building* that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- (3) Bathroom - means a room containing a bathtub or shower with or without a toilet and washbasin.
- (4) Building – means,
- (a) a *structure* occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
 - (b) a *structure* occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
 - (c) plumbing not located in a structure,
 - (d) a sewage system, or
 - (e) *structures* designated in the Building Code.
- (5) Cellar - means that portion of a *building* that is partly below grade, which has less than half of its height, measured from floor to ceiling above the average exterior finished grade.
- (6) Dwelling Unit –means one or more habitable rooms occupied or capable of being occupied as a single, independent and separate housekeeping unit containing a separate kitchen and sanitary facilities.
- (7) Garbage - means the animal and vegetable waste, and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.
- (8) Good Repair - means good working order and maintained in such a condition so as to be free from any danger or hazard and not unsightly by reason of deterioration, damage or defacement.

- (9) Ground Cover - means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- (10) Noxious Weed - means any weed classed as noxious by the *Weed Control Act*.
- (11) Nuisance - means a condition or use of *property* which causes or is likely to cause:
- a) a health, accident, fire or similar hazard; or
 - b) an appearance or use that is out of keeping with or detracts from the appearance or enjoyment of neighbouring properties.
- (12) Person - means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the *Condominium Act*, organization, trustee, or agent, and the legal representative of a *person* to whom the context can apply according to law.
- (13) 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.
- (14) Public Property - means land, premises and all outbuildings, fences, steps, walks, walkways, driveways, parking spaces, erections, or part of any of them, located thereon whether heretofore or hereafter erected or constructed, owned by, leased to, or under the jurisdiction and control of any of:
- (i) the City, or any local board thereof;
 - (ii) the City of Pickering Public Library Board;
 - (iii) the Pickering Hydro-Electric Commission;
 - (iv) the Regional Municipality of Durham or any board or commission thereof;
 - (v) the Durham Board of Education;
 - (vi) the Durham Roman Catholic Separate School Board;
 - (vii) the Toronto and Region Conservation Authority;
 - (viii) the Central Lake Ontario Conservation Authority.
- (15) Rooming Unit - means one or more habitable rooms with shared *bathrooms* or *toilet rooms* and with or without cooking or eating facilities, which are rented for gain.
- (16) Rubbish - means any combustible or non-combustible discarded or waste materials except *garbage*.
- (17) Salvage Yard - includes a *scrap yard*, *junk yard*, and *wrecking yard*, whether or not an active business is carried on therein or such *yard* is used for storage purposes.
- (18) Structure - means a *structure* as defined by the Zoning By-laws of the City of Pickering as amended from time to time.
- (19) Structurally Sound - means construction capable of withstanding the forces acting thereon when the *building* or *structure* is loaded in accordance with the provisions of the Building Code and having a factor of safety equivalent to that required by the Building Code.

- (20) Toilet Room - means a room in which a toilet or sanitary unit and washbasin are installed.
- (21) Unsafe Condition - means any condition that is likely to cause risk to the life, limb or health of any *person* on or about the *property*.
- (22) Yard - means the land around or appurtenant to the whole or any part of a *property* and used or capable of being used in connection with the *property*.

PART III **GENERAL - MINIMUM MAINTENANCE, REPAIR AND OCCUPANCY STANDARDS FOR ALL PROPERTIES**

EXTERIOR AREAS

Maintenance of Yards and Vacant Lots

- 4. All *yards* shall be kept clean and free of *rubbish, garbage*, litter or other debris and free from objects or conditions that may create an *unsafe condition*.
- 5. All *yards* shall be free of dilapidated or collapsed *structures*.
- 6. All *yards* shall be kept clean and free from termites, wood eating insects, rodents, vermin and other pests and any condition which might result in the harbouring of such pests.
- 7. All *yards*, except those used in connection with active agricultural operations, shall be protected by *ground cover* which prevents erosion of the soil.
- 8. Plants, vegetation and grass shall be kept trimmed or maintained so as not to become a *nuisance*. Heavy undergrowth and *noxious weeds* shall be controlled.
- 9. Hedges, trees or other plantings shall be maintained in a living condition, and shall be removed within a reasonable time after their death.

Buffering

- 10. A *property* which, because of its use or occupancy, creates a *nuisance* to the occupants of adjacent *properties* or to the users of streets, parks or *public property* shall be buffered from such streets, parks or *public property* to eliminate the *nuisance*.
- 11. Without limiting the generality of the foregoing, such buffering may include:
 - a) the provision and maintenance of an effective barrier to prevent lighting and vehicle headlights from shining directly into a *dwelling unit* or *rooming unit*;
 - b) the provision and maintenance of an effective barrier to prevent wind-blown *rubbish*, litter, debris and the like from encroaching onto the adjacent lands and premises;

- c) the provision and maintenance of a visual screen , appropriate with the nature of the adjacent uses, to minimize the visual impact; and
- d) the provision and maintenance of noise alleviation measures.

Accessory Buildings and Structures

12. An *accessory building*, its foundations, walls, roofs and all other parts thereof, and other *structures* appurtenant to the main *building*, shall be maintained in *good repair* and free from objects or conditions that may create an *unsafe condition*.

Craneways, Gantries, Lightning Arrestors, Television and Radio Antennae and Structures of Similar Character

13. Craneways,, gantries, lightning arrestors, television and radio antennae and *structures* of similar character shall be kept in *good repair* and free from objects or conditions that may create an *unsafe condition*.

Signs

14. Signs and sign structures shall be kept:
- a) in *good repair*;
 - b) free from any *unsafe condition*; and
 - c) free from any defacement.

Parking, Walkways and Safe Passage

15. All areas on a *property* used by vehicles for access, egress and parking shall be surfaced with suitable material so that those areas are free from dust, ponding, puddles and any *unsafe condition*.

Walkways, driveways, ramps, loading docks, parking areas and outside stairs and landings shall be cleared of accumulations of snow and ice.

Walkways shall be resurfaced as often as necessary to maintain a reasonably smooth, slip-free and safe condition for pedestrian traffic.

Garbage and Rubbish Disposal

16. *Garbage* and *rubbish* shall be disposed of by lawful means.
17. Every *building* shall be provided with sufficient receptacles to contain all *garbage* and *rubbish*.
18. Every *building* shall be provided with rodent-proof storage space for *garbage* and *rubbish*.
19. Receptacles shall be made of metal or plastic or other such material of water tight construction, provided with tight fitting cover and shall be kept clean.
20. *Garbage* and *rubbish* shall not be allowed to accumulate and shall be removed or made available for removal in accordance with City of Pickering Garbage Collection By-laws.
21. External containers and receptacles shall be screened from public view.

BUILDING EXTERIOR

Structural Capacity

22. Every part of a *property, building or structure*, shall be kept *structurally sound*.
23. Materials forming part of a *building or structure*, which show damage or evidence of decay or other deterioration shall be repaired or replaced.

Exteriors

24. All exterior surfaces, including those that have been painted, stained, varnished or which have received other similar protective finishes, shall be maintained in *good repair*.
25. Appropriate measures shall be taken to remove graffiti or any other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the defacement occurred.
26. In the event of fire or other disaster, subject to Section 27, measures shall be taken as soon as possible to restore the damaged *building or structure* to a state of *good repair*.
27. In the event the *building or structure* cannot be restored to a state of *good repair*, then the *building or structure* shall be demolished and the land shall be cleared of all remains and left in a graded, level and tidy condition.

Roofs and Roof Structures

28. The roof of a *building or structure* shall be kept:
 - a) in *good repair*;
 - b) free from any *unsafe condition*; and
 - c) free from accumulation of ice and snow.
29. The following shall be kept in *good repair* and free from any unsafe condition:
 - a) roof decks and related guards;
 - b) every eavestrough, roof gutter and downpipe;
 - c) chimneys, smoke or vent stacks; and
 - d) other roof *structures*.

Exterior Walls, Columns and Beams

30. The exterior wall of a *building or structure* shall be kept:
 - a) in *good repair*; and
 - b) free from any *unsafe condition*.
31. Exterior columns, beams and decorative trim shall be maintained:
 - a) in *good repair*; and
 - b) free from any *unsafe condition*.

Exterior Doors, Windows and Other Openings

32. Rotted or damaged doors, door frames, window frames, sashes and casing, broken glass and missing or defective door and window hardware shall be repaired or replaced.
33. Exterior windows, shutters, doors, hatchways and all other exterior openings in a *building* or *structure* shall be kept in *good repair* and free from any *unsafe condition*.

Exterior stairs, Verandahs, Porches, Decks, Loading Docks and Balconies

34. Every exterior stair, verandah, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be kept in *good repair* and free from any *unsafe condition*.

Foundation

35. Every foundation forming a part of a *building* or *structure* shall be kept in *good repair* so as to prevent settlement detrimental to the safety or the appearance of the *building* or *structure* and so as to prevent the entrance of moisture, insects or rodents into the *building* or *structure*.

Sewage and Drainage

36. Inadequately treated sewage shall not be discharged onto the surface of the ground, or into a natural or an artificial drainage system.
37. Rain water downspouts and eavestroughs shall not be discharged directly onto sidewalks, stairs or any adjacent *property*.
38. Storm water shall be drained from the lands so as to prevent:
 - a) the collection of stagnant water; and
 - b) its entrance into a *basement* or *cellar*.

BUILDING INTERIOR

Unoccupied Buildings

39. Where any *building* is unoccupied, the owner shall protect every such *building* against the risk of an *unsafe condition* and shall reasonably prevent the entrance therein by all unauthorized *persons*.
40. Where a *building* remains unoccupied or vacant, the owner shall ensure that all utilities servicing the *building* are properly disconnected or otherwise secured, to prevent accidental damage to the *building* or adjacent *property*.
41. Section 40 does not apply where such utilities are necessary for the safety of the *building*.

Underground Parking Garages

42. Underground parking garages shall be kept free from any *unsafe condition* and shall be maintained in accordance with the requirements of the Building Code.

43. All underground parking garages shall be adequately lighted at all times. Lighting in underground parking garages shall be considered to be adequate if the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 53.82 lux (5 foot candles) at floor level over the entire floor area with a minimum level of 21.5 lux (2 foot candles) and have a maximum to average ratio of 3:1 at any location of the floor.
44. Lighting fixtures in all underground parking garages shall be protected from accidental or malicious damage by the provisions of wire screens or by other suitable means.
45. No machinery, boats, vehicles, including trailers, or parts thereof which are unlicensed, wrecked or abandoned shall be parked, stored or allowed to remain in an underground parking garage.

Health and Occupancy

46. A *building* shall be kept free of rodents and vermin at all times and methods for exterminating rodents or vermin or both shall be in accordance with all applicable legislation, including any By-laws of the City of Pickering.
47. Interior floors, ceilings and hallways shall be kept free from dampness by means of floor drains, ventilation or other approved means.

Access and Egress from Interior Building Areas

48. Every *building* shall have a means of access so as to provide a safe and direct unobstructed means of egress from the interior of such *building* to an exit at street or grade level without the necessity of passing through any room or rooms that is or are occupied by or are under the control of any other *person*.
49. Where a *building* contains a second *rooming unit* located other than on the ground floor of the said *building*, there shall be a secondary means of egress to an exit at street or grade level.
50. A means of egress as referred to in section 48 and 49 shall not pass through an attached garage, a built-in garage, or an enclosed part of any other *building*.
51. All safety equipment relating to exits and means of egress shall be kept in *good repair*.
52. Stairways and landings shall be *structurally sound* and kept in *good repair*.
53. Balustrades and handrails and supporting *structures* shall be *structurally sound* and kept in *good repair*.

Stairs, Porches and Landings

54. Every inside stair and every appurtenance to it shall be *structurally sound* and kept in *good repair*.

Interior Surfaces including Walls, Floors and Ceilings

55. Exposed interior surfaces other than those within a *dwelling unit* shall be kept:

- a) in *good repair*;
- b) clean, for normal use or occupancy or the room, passageway, enclosure or space;

56. Common areas of *buildings* shall be kept free of defacement.

Doors and Windows

57. Interior doors and door frames and all related hardware shall be kept in *good repair*.

Lighting

58. Adequate lighting fixtures shall be installed and maintained in all areas so that activities normally carried out in such areas can be undertaken in safety.

59. Artificial lighting shall be provided and kept in *good repair* in every stairway, hall and passageway, in every room in which plumbing fixtures are installed, and in every furnace room and boiler room.

Heating Systems

60. A room heater shall be placed so as not to cause any *unsafe condition*.

61. Fireplaces and similar installations used or intended to be used for burning fuels in open fire shall be connected to a smoke pipe, chimney, flue or gas vent and shall be installed so that adjacent combustible materials and any structural supports shall not be heated so as to cause any *unsafe condition*.

62. Fuel burning appliances shall:

- a) have ample air supply to permit combustion to occur;
- b) be located in such a manner as to prevent impediment to the free movement of *persons* and the overheating of adjacent materials and equipment; and
- c) be provided with guards where necessary to minimize risk of accidents and fire hazards.

63. Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel, a place or receptacle adequate for the storage of such fuel shall be provided and maintained in an authorized location and shall be constructed and kept free of any *unsafe condition*.

64. An appliance that burns fuel shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or as otherwise may be permitted by the Building Code, except that such venting is not required for appliances that are designed, constructed and used so as not to require venting.

65. All connections between:

- a) heating equipment; or
- b) cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel, and
- c) the source of liquid or gaseous fuel

shall be kept in *good repair*.

Electrical Systems

66. The capacity of the connection to the *building* and the system of circuits distributing the electrical supply within the *building* shall be adequate for the use and intended use and shall be in compliance with all applicable legislation and regulations.
67. Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be installed and kept in *good repair* and free from any *unsafe condition*.

Plumbing and Fixtures

68. All plumbing, plumbing fixtures and drainage systems shall be installed and kept:
 - a) without cross connections to the potable water supply;
 - b) in *good repair*.
69. *Toilet rooms* shall be located and enclosed so as to provide both accessibility and privacy.
70. *Toilet rooms* shall be regularly cleaned so as to be maintained in a clean and sanitary condition.
71. *Bathrooms* and *toilet rooms* shall be kept in *good repair* and in a sanitary condition.

Ventilation

72. Every *bathroom* or *toilet room* shall be provided with an opening or openings for natural ventilation located in an exterior wall or through moveable parts of the skylights providing a minimum aggregate unobstructed free flow area of 0.3 square metres, provided, however, that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the *building* which operates continuously or is activated by the light switch for the *bathroom* or *toilet room*, or by other approved means.
73. Where an aperture such as a window, skylight or louvre is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open or closed, and all systems of mechanical ventilation or air conditioning shall be kept in *good repair*.
74. Every attic, *basement*, *cellar* and unheated crawl space shall be adequately vented to the outside air. These areas shall be deemed to be adequately vented when in a *basement* or *cellar*, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than one (1) percent of the floor area and for an unheated crawl space, a number of louvres with insect screen of corrosion resistant material are provided.
75. Sufficient ventilation shall be provided to all areas so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create an *unsafe condition*.
76. Air conditioning shall be equipped with adequate devices to prohibit condensation drainage onto entranceways, sidewalks or pathways.

77. Where a ventilation system is installed, it shall be maintained so as to prevent, in an emergency, the rapid spread of heat, flame or smoke through the system.
78. Air for ventilation purposes shall be taken from the exterior of the *building* or shall be quality controlled.
79. Air intake openings shall be located so as to minimize the possibility of fire, smoke, fumes or foreign matter being drawn into the *building* and shall provide air from an uncontaminated source.
80. Exhaust openings shall be located so that the exhaust air will not create an *unsafe condition*.
81. Exhaust air, the contents of which may contain odours, fumes or vapours, shall not be circulated to other occupied spaces within a *building* or *accessory building*.

PART IV RESIDENTIAL PROPERTIES - ADDITIONAL STANDARDS

Maintenance of Yards

82. Any vehicles, including a trailer or boat, or mechanical equipment, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left in a *yard*.
83. There shall be a surfaced pedestrian walkway leading from every *building* to the street. A surfaced driveway in excess of 2.5 metres in width may form part of the walkway.

Egress

84. Every *dwelling unit* shall have direct primary and secondary access to a safe, continuous and unobstructed exit from the interior of the *building* to its exterior at street or grade level.
85. The direct access referred to in section 84 shall not pass through any other *dwelling unit*.
86. All doors located along the access route referred to in section 84 shall be constructed so as to be readily opened, without the use of a key, in the direction of exit travel.

Heating

87. Every *dwelling unit* shall be provided with a heating system capable of room temperature between 20°C and 26°C in habitable rooms, *bathrooms* and *toilet rooms* and shall, at all times, be maintained at a minimum temperature of 18°C in habitable rooms, *bathrooms* and *toilet rooms*.

Plumbing, Plumbing Fixtures and Kitchen Facilities

88. Every *dwelling unit* shall contain plumbing fixtures consisting of at least:
 - a) a toilet;
 - b) a kitchen sink;
 - c) a wash basin; and
 - d) a bathtub or shower.
89. Below grade floors shall be adequately drained so as to prevent the ponding of water on the floor surface.

Kitchen Facilities

90. Every sink required by this by-law shall have an adequate supply of running water and shall be connected to the drainage system.
91. The counter top and back splash, if any, around the kitchen sink shall have an impervious surface.
92. Every kitchen shall be provided with an adequate and approved fuel or electrical supply.
93. Every *dwelling unit* shall be equipped with cooking apparatus which shall be kept in *good repair*.
94. Any cooking apparatus shall have at least 0.6 metres clear space above any exposed cooking surface.

Bathrooms and Toilet Rooms

95. All *bathrooms* and *toilet rooms* shall be located within and accessible from inside the *building*.
96. The occupants of not more than two (2) *dwelling units* may share a *bathroom* or *toilet room*, provided;
 - a) not more than a total of eight (8) *persons* occupy both *dwelling units*.
 - b) direct access to the *bathroom* or *toilet room* shall be gained from each *dwelling unit*.
97. In a *building* containing *rooming units* there shall be a toilet, wash basin and bathtub or shower for every eight (8) occupants or portion thereof and the facilities shall be located on the same storey as, or on the next storey up or down from the storey on which each *rooming unit* is located.

Water Supply and Facilities

98. Every *building* shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
99. Every sink, wash basin, bathtub or shower required by this section shall have an adequate supply of hot and cold running water relative to the occupancy of the *building*.
100. Adequate running water shall be supplied to every toilet and sanitary unit.
101. In multiple occupancy *buildings*, doors connecting *dwelling units* to an entrance or exit system shared in common with other *dwelling units* shall have locking devices and maintained in operative repair. Access doors, as above, shall afford the occupants of the *dwelling unit* with a reasonable degree of privacy and safety.
102. All windows in *dwelling units* contained in multiple occupancy buildings shall be screened, and latched or secured in order to prevent their removal or opening by small children.

PART V **NON - RESIDENTIAL PROPERTIES - ADDITIONAL STANDARDS**

Maintenance of Yards

103. No vehicles, trailers, boats or mechanical equipment which is in a wrecked, discarded, dismantled or abandoned condition shall be parked, stored or left in a *yard* unless such vehicle, trailer or mechanical equipment is required for a lawful business purpose.
104. Where a lawful business requires outdoor storage for any purpose, and such outdoor storage is permitted, the area shall be defined and enclosed with a *fence* according to the requirements of the applicable by-laws of the City of Pickering.
105. All outdoor *salvage yards* shall be obscured by screening. Such screening shall be of uniform construction and meet the requirements of the applicable by-laws of the City of Pickering.

Heating Systems

106. A heating system shall be provided in a non-residential *building*, kept in *good repair* and free from any *unsafe condition*.
107. In non-residential *buildings* where *persons* are employed in duties and operations in an enclosed space or room who are not engaged in active physical activity, a heating system shall be provided capable of maintaining, during normal hours of occupancy sufficient heat to maintain an average room temperature between 20°C and 26°C.

Ventilation

108. Sufficient ventilation shall be provided to all parts of a *building* so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create an *unsafe condition*.
109. If mechanical ventilation is provided it shall change the air at least once each hour and, if necessary, more frequently.

Toilet Room Facilities

110. *Buildings* where people work shall have *toilet rooms* supplied with hot and cold running water in accordance with the *Occupational Health and Safety Act*, located in an enclosed room or rooms that are conveniently accessible to employees.
111. Each *toilet room* shall be provided with toilet paper, soap, individual paper towels or other means of drying, and suitable deodorizing material.
112. All *toilet rooms* shall be fully enclosed and with a door capable of being locked so as to provide privacy for the *persons* using such.

PART VI **PROPERTY STANDARDS COMMITTEE**

113. There shall be appointed by the Council of the Corporation of the City of Pickering a Property Standards Committee composed of three (3) members, who shall each be appointed for the three (3) year term.
114. The Committee shall elect a Chairperson and any member of the Committee may hold this position. When the Chairperson is absent through illness or otherwise, the Committee may appoint another member as acting Chairperson.

115. In the event of a vacancy in the membership in the Committee, Council shall forthwith fill the vacancy by appointment of another eligible person to sit for the unexpired portion of the term.
116. Two (2) members of the Committee constitute a quorum.
117. The members of the Committee shall be paid such compensation as Council, by by-law, may provide.
118. Council shall provide for a secretary for the Committee.
119. 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 those applications, and section 74 of the *Municipal Act* applies with necessary modifications to the minutes and records.
120. The Committee may adopt its own rules of procedure.
121. When the Committee is required to give Notice it shall provide or direct that Notice be given of the hearing of an appeal to such *person* or *persons* as the Committee considers advisable.

PART VII ADMINISTRATION AND ENFORCEMENT

General Provisions

122. No *person* shall use or occupy, or allow the use of or occupancy of, any *property* which does not comply with the provisions of this By-law.
123. No *person* shall obstruct the visibility of an Order and no *person* shall remove a copy of an Order posted under this By-law unless authorized to do so by an Officer.
124. Where a provision of this By-law conflicts with a provision of any other By-law of the City or any applicable statute or regulation, the provisions that establishes the higher standards to protect the health, safety and welfare of the general public shall prevail.

Property Standards Officers

125. Council shall appoint Property Standards Officers who shall be responsible for the administration and enforcement of this By-law, under the general direction of the Manager of the By-law Enforcement Services Division.
126. Any employee, agent, inspector or Officer of the City and any Health Inspector of the Region of Durham is hereby authorized to act as an assistant to an Officer from time to time.

PART VII ORDERS

Order

127. An Officer may, upon producing proper identification, enter upon any *property* at any reasonable time without a warrant for the purpose of inspecting the *property* to determine,
 - (a) whether the *property* conforms with the standards prescribed herein; or

- (b) whether an Order made under Section 128 has been complied with.
128. An Officer who finds that a *property* does not conform with any of the standards prescribed herein, 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, structures, debris* or refuse 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 City 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.

Service

129. The Order shall be served on the owner of the property and such other *persons* affected by it as the Officer determines and a copy of the Order may be posted on the *property*.

Emergency Orders

130. If upon inspection of a property the Officer is satisfied that there is non-conformity with the standards herein to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

Certificate of Compliance

131. Where the property, in the opinion of an Officer, complies with this By-law, an Officer shall issue a Certificate of Compliance to an owner who requests one.

PART VIII APPEAL

132. Any *person* served with an Order, except an Emergency Order, may appeal the Order by submitting a Notice of Appeal to the Secretary of the City's Property Standards Committee in the time frame and manner as prescribed in the *Building Code Act, 1992*.

PART IX PENALTY

133. An owner 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 *Building Code Act, 1992*, and is liable to a penalty or penalties as set out in Section 36 of that Act.

PART X REPEAL

134. By-law Number 1834/84 is hereby repealed.

By-law read a first, second and third time and finally passed this 21st day of January, 2002.

(signed) Wayne Arthurs, Mayor

(signed) Bruce Taylor, Clerk