

By-Law No.46
Maintenance and Occupancy Standards for Residential Properties

The council of the Town of Woodstock, under authority vested in it by subsection (1) of Section 95 of the Municipalities Act, enacts as follows:

Title

1. This By-Law may be cited as the Town of Woodstock Residential Properties Standards By-Law.

Interpretation

2. In this By-Law,
 - (a) "Maintenance Officer" means the maintenance officer appointed under section 5; and
 - (b) "notice" means a notice under clause (a) of section 7.

Scope

3. The purpose of this By-Law is
 - (a) to establish standards to govern the condition, occupancy and maintenance of residential properties; and
 - (b) to provide safeguards for the safety, health and welfare of occupants and users of residential properties by requiring owners thereof to repair and maintain such property in accordance with established standards.

Adoption of Code

4. The Maintenance and Occupancy Code for Residential Properties, approved by the Lieutenant-Governor in Council pursuant to section 94 of the said Act, is adopted by reference.

Appointment of Maintenance Officer

5. The council shall appoint a maintenance officer who shall exercise such powers and perform such duties as are provided for herein.

Duty of Owner

6. The owner of residential property shall
 - (a) repair and maintain such property in accordance with standards set out in code adopted by section 4, whether or not a notice has been served or sent under section 7: and
 - (b) where a notice has been received by him, repair such property as delineated in the notice within the time limit prescribed therein.

Notices

7. Where the owner of residential property fails to repair or maintain such property-in accordance with the requirements of clause (a) of section 6, the maintenance officer may
 - (a) by written notice served personally on or sent by registered mail to such owner, delineate work required to repair such property and the time limit within which the work is to be carried out; or
 - (b) if in his opinion it would not be economic to repair a dwelling, accessory building or fence forming part of such property, recommend that the Council take action to require demolition or removal of such dwelling or accessory building.

Enforcement

8. (1) A notice sent by registered mail is deemed to be received by the addressee upon the expiration of four days after the day on which it was registered in an envelope with postage prepaid and addressed to such person at his last known address.
 - (2) Proof of service of a notice under clause (a) of Section 7 may be by a certificate or an affidavit purporting to be signed by the maintenance officer naming the person on or to whom the notice was served or sent and specifying the time, place and manner thereof.
 - (3) A document which purports to be a certificate or an affidavit that the notice was given in the manner provided herein shall
 - (a) be admissible in evidence without proof of the signature; and
 - (b) be conclusive proof that the person named in the certificate or affidavit received notice of the matters referred to therein.

(4) In a prosecution for an offence hereunder when proof of the Giving of notice is made as prescribed herein, the burden of proving that he is not the person named or referred to in the certificate or affidavit shall be upon the person charged.

(5) A notice given hereunder and purporting to be signed by the maintenance officer shall

(a) be received in evidence by any court in the province without proof of the signature thereon;

(b) be prima-facie evidence of the repairs required thereby and time limit prescribed therein; and

(c) on the hearing of an information for a violation of the provisions of clause (b) of section 6, be prima-facie evidence that the person named therein is the owner of the premises in respect of which the notice was given.

9. A person who contravenes any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine of

(a) fifteen dollars, in the case of the contravention of the provisions of clause (a) of section 6; or

(b) not less than twenty-five and not more than one hundred dollars, in the case of the contravention of the provisions of clause (b) of section 6.

Read First Time: April 22, 1974

Read Second Time: April 22, 1974

Read Third Time and Enacted: May 13, 1974

Clerk

Mayor

Schedule "A"

Pursuant to the Municipalities Act, the Lieutenant Governor in Council approves the following code respecting standards for the Maintenance and occupancy of residential properties:

Residential Properties Maintenance and Occupancy Code

1. In this Code,
 - (a) 'accessory building' means a building, fence or other structure the use of which is incidental to the use of a dwelling and which is located in the yard around the dwelling;
 - (b) 'dwelling' means a building any part of which is or is intended to be used for the purposes of human habitation, whether or not such, building is in such state of disrepair as to be not fit for such purpose;
 - (c) 'dwelling unit' means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;
 - (d) "habitable room" means any room, other than a non-habitable room, in a dwelling unit;
 - (e) "non-habitable room" means any room or space in a dwelling used or intended to be used as a bathroom, toilet room, laundry, pantry, lobby, communication corridor, stairway, closet, recreation room, furnace room or other room or space for the service or maintenance of the dwelling or for public use, access or vertical travel between storeys;
 - (f) "owner" means any person entitled to any freehold or other estate or interest in land, at law or in equity, in possession, or in futurity or expectancy, such as a mortgagee, mortgager, lessee under lease, tenant, occupant, licence, permittee or any other person having care" control, domain and management over the premises or who receives any rent or pays municipal taxes in respect thereof;
 - (g) "repair" means to take the necessary action to bring residential property to the standards prescribed herein;
 - (h) "residential property" means a dwelling with the yard around it and any accessory building in such yard;
 - (i) "sewage" means water-carried waste from residential property, together with such ground, surface and storm waters as may be present;
 - (j) "sewer system" means the municipal sanitary sewer system where available or otherwise, a private sewage disposal system that meets requirements of regulation under the Health Act;
 - (k) "standards" mean the standards of physical condition and of occupancy prescribed herein for residential property; and
 - (l) "yard" means the privately- or publicly-owned land around and appurtenant to the whole or any part of a dwelling and used or capable of being used in connection with the dwelling.

Scope

2. The purpose of this Code is to establish standards
 - (a) governing the condition, occupancy and maintenance of residential property; and
 - (b) providing safeguards for the safety, health and welfare of the general public and of occupants and users of residential property.

Administration

3. (1) An officer appointed by a municipality to administer a By-Law that adopts this Code has the right to enter at all reasonable times upon any property within the municipality for the purpose of making any inspection that is necessary for the administration or enforcement of the by-Law.
 - (2) Where an officer mentioned in subsection (1) is refused admission to any property within the municipality, the clerk may serve, or cause to be served, on the person having control of the property, a demand that the officer, named therein, be permitted to enter upon such property in accordance with that subsection.
 - (3) Service may be affected under subsection (2) by personal delivery to the person having control of the property or by depositing the demand in the mails in a prepaid registered envelope addressed to such person at his last known address.
 - (4) The service of a demand by mail as provided for in subsection (3) is deemed to be complete upon the expiration of six days after the deposit thereof in the mails.
 - (5) Proof of the service of a demand in either manner provided for in subsection (3) may be given by a certificate purporting to be signed by the clerk which sets forth the name of the person on whom such demand was made and the time, place and manner of service thereof.
 - (6) A document purporting to be a certificate of the clerk made pursuant to subsection (5) shall
 - (a) Be admissible in evidence without proof of the signature; and
 - (b) Be conclusive proof that the demand was served on the person named in the certificate.

Maintenance of Yards and Accessory Buildings

4. A yard shall
 - (a) be properly graded' to insure rapid drainage of storm water therefrom to prevent ponding therein or the entrance of water into a basement or cellar;
 - (b) be kept reasonably clean and free from rubbish or other debris and from objects, holes, excavations or other conditions that might create a health, fire or accident hazard; and

- (c) be maintained free of rag weed, poison ivy, poison sumac and other noxious plants.
5. (1) Sewage shall be discharged into a sewer system.
(2) Inadequately-treated sewage shall not be dis-charged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
 6. Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.
 7. (1) Any accessory building shall be kept in good repair and free from any condition that constitutes or is apt to create a health, fire or accident hazard.

(2) The exterior of an accessory building shall be kept weather resistant through the use of appropriate weather resistant materials, including paint and other preservatives.

(3) Where an accessory building or any condition in a yard harbours noxious insects or rodents, all necessary steps shall be taken to eliminate them and to prevent their reappearance.

(4) Dangerous accumulations of snow or ice or both shall be removed from the roof of an accessory building.

(5) If an accessory building is not maintained in accordance with the standards mentioned in this section, it shall be removed from the yard.
 8. (1) Every dwelling unit shall be provided with such receptacles as maybe necessary to contain all garbage, rubbish and ashes that accumulate therein or in the yard.

(2) Receptacles mentioned in subsection (1) shall
 - (a) be made of metal or plastic;
 - (b) be made of watertight construction;
 - (c) be provided with a tight-fitting cover; and
 - (d) be maintained in a clean state.
(3) Garbage, rubbish and ashes shall be promptly stored in receptacles mentioned in subsection (1), and shall be removed therefrom in accordance with regulations of the municipality where applicable or, otherwise, at least once during each week.

(4) Materials of an inflammable nature shall be safely stored or removed at once from the residential property.

Maintenance of Dwellings and Dwelling Units

9. Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

10. (1) A foundation wall of a dwelling shall be maintained so as to prevent the entrance of moisture, insects and rodents.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, waterproofing the wall and joists and using other suitable means.

11. (1) An exterior wall of dwelling and its components shall be maintained so as to prevent its deterioration due to weather and insects.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, restoring or repairing the wall, coping or flashing, waterproofing joints or the wall itself, installing or repairing termite shields, and using other suitable means.

12. (1) A roof of a dwelling shall be maintained in a watertight condition so as to prevent leakage into the dwelling.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing the roof and flashing, applying waterproof coatings, installing or repairing eaves trough and rain water piping and using other suitable means.

(3) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling.

13. (1) Windows, exterior doors and basement or cellar hatchways of a dwelling shall be maintained so as to prevent the entrance of wind and precipitation into the dwelling.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, renewing rotted or damaged doors, door frames, window frames, sashes and casing, refitting doors and windows weather stripping, replacing defective door and window hardware, re-glazing and using other suitable means.

14. (1) An inside or outside stair, or a porch, shall be maintained so as to be free of holes, cracks and any other condition that may constitute an accident hazard.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or for replacing
 - (a) treads or risers that show excessive wear or are broken, warped or loose; and
 - (b) supporting structural tenders that are rotted or deteriorated.

(3) On an open side of a stairway, balcony landing or stairwell, a handrail or banister shall be installed so as to provide reasonable protection against accident or injury.

15. (1) Every chimney, smoke pipe and flue servicing a dwelling shall be maintained so as to prevent gases from leaking into the dwelling.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes cleaning the flue of obstructions, sealing open joints, repairing masonry and using other suitable means.

16. (1) Every fireplace used or intended to be used in a dwelling for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members will not be heated to unsafe temperatures.

(2) Without limiting the generality of subsection (1), maintenance mentioned therein includes securing connection to a chimney that complies with standards hereof lining with fire-resistant material and repairing and to relining, and installing, repairing and replacing the hearth.

17. (1) Every interior wall and ceiling in a dwelling shall be maintained so as to be free of large holes or cracks and loose plaster or other material, the collapse which might cause injury.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or filling holes and cracks and removing and replacing loose or defective parts.

(3) The surface of wall or ceiling mentioned in subsection (1) shall be finished so as to be reasonably smooth, clean, tight and easily cleaned.

18. (1) Subject to section 19, every floor in a dwelling shall be maintained so as to be free of loose, warped, protruding, broken or rotted boards that might cause an accident, or admit rodents into the dwelling.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing floor boards and repairing, replacing or removing any floor covering that has become unduly worn or torn so that it retains dirt.

19. (1) A bathroom floor or toilet floor shall be maintained so as to be reasonably impervious to water and to permit easy cleaning.

(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes installing, repairing, refinishing and replacing the floor or floor covering so as to provide the waterproof and cleaning conditions required.

20. In addition to other standards pertaining thereto, every floor, wall, ceiling, furnishing and fixture in a dwelling or dwelling unit shall be maintained in a clean and sanitary condition.
21. (1) A dwelling shall be kept free of rodents and insects at all times, and methods used for exterminating rodents or insects or both shall conform with generally accepted practice.
- (2) A basement or cellar window used or intended to be used for ventilation, and any other opening in a basement or cellar that might let in rodents shall be screened with wire mesh or such other material as will effectively exclude rodents.
- (3) During the time of year when insects may enter a dwelling, each outside door shall be equipped with a self-closing device, and every opening that opens to outdoor space, used or intended to be used for ventilation, shall be appropriately screened with wire mesh or such other material as will effectively exclude insects.

Standard of Fitness for Occupancy

22. (1) Plumbing is required to be contained in a dwelling or dwelling unit and, where it is so contained, it shall be connected to a sewer system in such manner as to discharge all wastes therefrom into such system.
- (2) All plumbing, whether a drain pipe, water pipe, water closet, connecting line to the sewer system or other plumbing fixture, shall be maintained in good working order and free from leaks and defects.
23. (1) In every dwelling the following shall be supplied and maintained in good working order, connected to the sewer system, and accessible to and available for each ten or fewer persons or family occupying the dwelling:
- (a) A toilet, served with cold running water;
 - (b) A wash basin, served with hot and cold running water; and
 - (c) A bathtub or shower, served with hot and cold running water.
- (2) Hot water mentioned in subsection (1) shall be served at such temperature that it may be drawn from any tap at a temperature of not less than one hundred ten degrees Fahrenheit.
- (3) Toilet and bathroom facilities shall be maintained at a standard and in a manner which, in the opinion of a District Medical Health Officer, does not constitute a health hazard and is not apt to create such hazard.
- (4) Where a toilet or urinal is used by the occupants of more than one dwelling unit, the room in which it is located shall be accessible only from a common hall.

(5) A toilet or urinal shall not be located within a room that is used for

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

(6) A wash basin served by running water draining into a sewer system shall be located in the room that contains a toilet or in an adjoining room.

24. In each dwelling unit in a dwelling containing plumbing, hot and cold running water facilities, with a draining sink therefor connected to the sewer system, shall be supplied and maintained in good working order with a continuous supply of hot and cold running water.

25. (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of seventy degrees Fahrenheit at five feet above floor level in all habitable rooms, bathrooms and toilet rooms when the temperature outside the dwelling is -20 degrees Fahrenheit.

(2) A heating system mentioned in subsection (1) shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

(3) Where the temperature in a dwelling or dwelling unit is not controlled by the occupants thereof, such dwelling or dwelling unit shall be heated to the standard mentioned in subsection (1), except as mentioned in subsection (4), during every day between the first day of September and the first day of June in the next year.

(4) Notwithstanding subsection (3), the temperature required thereby applies only during the hours between seven o'clock in the morning and eleven o'clock in the afternoon, and such temperature may be reduced and maintained at sixty-five degrees Fahrenheit during other hours.

(5) Without restricting the generality of subsection (2), maintenance mentioned therein includes

- (a) keeping rigid connections between a chimney flue and any heating equipment, including cooking, that burns fuel;
- (b) keeping rigid connections between equipment mentioned in clause (a) and its supply line; and
- (c) keeping equipment that is not mentioned in clause (a) and that burns gaseous fuel properly vented to a duct leading to an outdoor space.

(6) No gas appliance of any kind may be installed or maintained in working condition with a gas supply in a room used or intended to be used for sleeping purposes.

(7) No person may use a room for sleeping purposes, or permit its use for such purpose, if the room contains any type of gas appliance in working condition with a gas supply.

(8) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

26. (1) All electrical wiring, equipment and appliances located or used in a dwelling shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard.

(2) Without restricting the generality of sub-section (1), maintenance mentioned therein includes repairing or replacing defective wiring and equipment, installing additional circuits and any other repairs, alterations or installations required by or which may be required pursuant to regulation under the Electrical Installation and Inspection Act.

(3) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use, as indicated by the amperage or wattage requirements shown on the appliance or appliances in use, a person shall not use an additional appliance so as to increase the use beyond the capacity of the circuit.

27. (1) In a dwelling unit in which the occupants prepare food for their own consumption, or are intended to or are permitted to so prepare food, a suitable and convenient receptacle for storage of food, containing at least four cubic feet of space, shall be maintained in good repair and in a clean state.

(2) Some part of the storage space mentioned in subsection (1) shall be capable of sustaining a temperature low enough to preserve perishable foods for a reasonable time.

28. Every dwelling and each dwelling unit within it shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the outside of the dwelling at the street or grade level.

29. (1) A source of light, such as a window, skylight, transparent or translucent panel, or a combination thereof, that faces directly on open space at least three feet wide and at least six inches above the adjoining finished grade or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to ten percent of the floor area of the room, shall be provided and maintained in good repair in every habitable room.

(2) The open space opposite a source of light shall not be obstructed in any way and, if it is obstructed, the light source facing the open space so obstructed shall not be included in calculating the area of light source for the room.

(3) Every bathroom and toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

(4) Every stairway, hall, cellar and basement, and every laundry room, furnace room and similar non-habitable work room in a dwelling shall have adequate artificial light available at all times.

30. (1) Every habitable room, bathroom and toilet room shall have adequate ventilation.

(2) Where an aperture such as a window, skylight or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open and closed.

(3) Where a dwelling or dwelling unit is ventilated by a system of mechanical ventilation or air conditioning, the system shall be maintained in good working order.

31. (1) A non-habitable room shall not be used as a habitable room.

(2) A dwelling unit shall have at least one hundred square feet of habitable room floor area for each person resident therein.

(3) Subject to subsection (5), a habitable room used for sleeping purposes shall have a floor area of at least

(a) Sixty square feet, if so used by only one person; and

(b) forty square feet per person, if so used by more than one person.

(4) A habitable room shall be seven feet in height over at least one half of the floor area.

(5) For the purposes of computing a floor area under subsection (3), any part of the floor under a ceiling that is less than five feet above the floor shall not be counted.