

5. PROPERTY STANDARDS BY-LAW –PROTECTION OF HERITAGE BUILDINGS

Recommendation

That Heritage Vaughan recommend that the City's Legal Department review the possibility of amending the Property Standards By-law 231-2011 to include under Section 9 of the by-law, the addition of *Registered Heritage Structures* under Section 27 (1) of the Ontario Heritage Act in addition to Designated Part IV and Part V properties.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, and Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

There is no economic impact related to the review of this report.

Communications Plan

Heritage Vaughan minutes and reports are posted on the City of Vaughan website and distributed to the required property owners and individuals.

Purpose

The purpose of this report is to review the City Property Standards By-law as requested by the Committee.

Background - Analysis and Options

Heritage Vaughan committee at their November 2013 meeting requested staff to provide them with information on the City's Property Standards By-law .

See attachments for the City's Property Standards By-law (PSB) and for an extract of the report and recommendation from Heritage Vaughan from their November 19, 2009 meeting.

In summary, while Heritage Vaughan's 2009 recommendations to the PSB includes a lot more detail in the description of work to be done to heritage properties, the PSB does have general requirements to implement property standards that will ensure the preservation of the building.

The definition of heritage buildings in the PSB extends to only designated buildings under the Ontario Heritage Act. This leaves buildings that are Registered under the Ontario Heritage Act (such as the Agar House) not included in the authority of Section 9 of the by-law. The review by Legal or By-law may have deleted this requirement for legal reasons, however, this can be brought back to Legal for review.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:

Preserve our heritage and support diversity, arts and culture.

This report is consistent with the priorities previously set by Council, however the necessary resources have not been allocated and approved.

Regional Implications

None

Conclusion

See recommendation of the report.

Attachments

1. City of Vaughan's Property Standards By-law
2. Extract from the November 19, 2009 Minutes of Heritage Vaughan

Report prepared by:

Angela Palermo
Manager of Cultural Services ext. 8139

The support of such a by-law and its enactment will assist in providing an additional protective measure/tool for the City to use to ensure the preservation of Vaughan's built heritage resources.

Proposed By-Law Wording (Pending review and approval of the City's Legal Department and By-Law Enforcement)

1. Definitions

"boarded building" means a vacant, a partially vacant building, or an abandoned building or structure in which some or all of the windows, doors or other openings have been covered by affixing wood or metal over them so as to prevent the entrance of elements or unauthorized persons;

"Cultural Services staff member" shall mean the Cultural Heritage Coordinator or Manager of Cultural Services Division of Recreation and Culture Department of the City;

"demolish" means the doing of anything to effect the removal of a building or structure or part thereof;

"graffiti" means one or more letters, symbols or marks, whosoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City's sign by-laws or a mural which has been authorized by the City;

"heritage attributes" means the attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred:

(a) In a by-law designating a property passed under Section 29 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation, or otherwise;

(b) In a Minister's order made under Section 34.5 of the Ontario Heritage Act and identified as heritage attributes, reason for designation or otherwise;

(c) In a by-law designating a heritage conservation district passed under Section 41 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation or otherwise;

(d) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise; or

(e) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

(f) Where the documents referred to in clauses a, b, c, and d above do not specifically list the heritage property's features of significant cultural heritage value or interest, such features, attributes or properties shall be as determined by Cultural Services staff.

"heritage property" shall mean any property, as defined in the Property Standards By-law, whether vacant or inhabited, that

- (a) has been designated under Section 29 or 34.5 of the Ontario Heritage Act; or
- (b) has been designated as part of a heritage conservation district under Section 41 of the Ontario Heritage Act
- (c) is a registered property in accordance with Subsection 27 of the Ontario Heritage Act
- (d) is a heritage property of interest included in the Vaughan Heritage Inventory

"heritage property of interest" means real property, including all buildings and structures thereon, that has been included in the City of Vaughan Heritage Inventory.

"hoarding" means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development

"Ontario Heritage Act" shall mean the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended."

"Part IV heritage property" means real property, including all buildings and structures thereon, that has been designated by the City under Section 29 or by the Minister under Section 34.5 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

"Part V heritage property" means real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under Section 41 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

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

"registered heritage property" means real property, including all buildings and structures thereon, that has been included in the register of property situated in the municipality that is of cultural heritage value or interest, under Section 27 (1) of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

"standards" means the standards of physical condition and occupancy of property set out in this by-law.

2. Sentence 2.2.2, Section 2.2, "Property Standards Officer", Part 2 "Administration" of the City of Vaughan Property Standards By-law 409-09, is hereby amended by adding the words "or Cultural Services staff member" after the words "Fire Prevention Officer" thereto.
3. Part 2, "Administration" of the City of Vaughan Property Standards By-law 409-09,

is hereby amended by adding the following section:

Section 2.6 Prohibition

(3) Notwithstanding Section 2.3 TO 2.5, the owner of a Registered Property, Part IV Heritage Property or a Part V Heritage Property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards and the property shall not be cleared of all buildings and structures that fail to do so.

4. Standards for Heritage Properties

(1) In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this by-law, the owner or occupant of a Registered Property, Part IV Heritage Property or a Part V Heritage Property shall:

(a) Maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.

(b) Maintain the Heritage Property and the components of the property that hold up, support or protect the Heritage Attributes in a manner that will ensure the protection and preservation of the Heritage Attributes, including maintaining in good repair and good condition the roof, exterior walls/siding, structural openings and eavestroughs.

(2) Despite any other provision of this by-law, where a Heritage Attribute of a Registered Property, Part IV Heritage Property, or a Part V Heritage Property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired:

(a) In a manner that minimizes damage to the heritage values and attributes of the property;

(b) In a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;

(c) Using the same types of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and

(d) Where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

(3) Despite any other provision of this by-law and notwithstanding that a permit may be required under the Ontario Heritage Act or the Building Code Act, 1992, where a Heritage Attribute of a Registered Property, Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:

(a) Using the same types of material as the original;

(b) Where the same types of material as the original material are no

longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and

(c) In a manner that replicates the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute.

(4) All Heritage property, including but not limited to, buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

(5) Exterior signs on any land, building or structure that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building on the property if deemed to have cultural significance by Cultural Heritage staff

(6) Foundations, Foundation Walls and Environmental Separation Systems Components

a) The foundations and the foundation walls of every heritage building or structure or part of a heritage building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary to stabilize the heritage attributes of the building.

5. Boarded Buildings on Heritage Properties

(1) This section applies exclusively to all buildings and structures located on a Registered Property, Part IV Heritage Property or a Part V Heritage Property.

(2) Vacant and Damaged Heritage Properties:

Despite [other sections in this by-law] where a building or structure containing heritage attributes located on a heritage property is vacant, partially vacant or unoccupied for a period of 90 days or more, the owner shall ensure that (when available) appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.

(3) Where exterior doors, windows or other openings of vacant buildings or structures, partially vacant buildings or structures or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair, the City may order the property owner to board up the building as an interim security measure so as to prevent entrance of the elements, or unauthorized persons, or the infestation of pests.

(4) The boarding as ordered under Subsection (3) shall comply with the following requirements:

(a) In the case of door and window openings, all boards used in the boarding shall be installed from the exterior and shall be properly fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding.

(b) Doors, windows and other openings at the basement, ground floor and first level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal at least 19 millimetres (3/4 inch) thick. One ground floor door opening should be boarded in such a way that authorized access is still possible by lock and key.

(c) Doors, windows and other openings above the first floor level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal plate at least 19 millimetres (3/4 inch) thick.

(d) All plywood used for the boarding must be secured with nails and screws at least 50 millimetres (2 inches) and spaced not more than 150 millimetres (6 inches) on centre.

(e) Notwithstanding item (g) [boarding] shall be fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible.

(f) No window, door or other opening on a Registered Property, Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required.

(g) Where utilities are available, for safety and security of the building, an exterior lighting fixture shall be installed and/or maintained in the front porch, veranda or area adjacent to the front entrance of the building or structure and must be kept on a timer.

(h) The owner shall post signs prohibiting trespassing and prohibiting removal of materials

(i) The premises shall be graded to prevent the pooling of water near the foundation of the building structure and so that there is no recurrent entrance of water into any basement or cellar.

6. All work performed in accordance with the requirements of this Article must comply with all other relevant by-laws and legislation including the Ontario Heritage Act and must receive approval from Cultural Services prior to commencement of work.
7. Every owner and occupant of heritage property shall, in addition to complying with the other requirements of this by-law, maintain and repair the heritage property as necessary to protect and prevent deterioration of its heritage attributes.
8. Penalty:

(1) An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under of Section 36(1) of the Building Code Act, R.S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 231-2011

A By-law to prescribe the Standards for maintenance and occupancy for all Properties within the City of Vaughan.

WHEREAS Section 15.1 (3) of the *Building Code Act*, 1992, S.O. 1992, c.23 for the Province of Ontario, authorizes the Council of a municipality to pass a By-law for prescribing Standards for maintenance and occupancy of Property.

AND WHEREAS the Council of the Corporation of the City of Vaughan deems it expedient to pass a By-law for prescribing Standards for the maintenance and occupancy of Property within the City of Vaughan and for prohibiting the occupancy or use of such Property that does not conform to the Standards and for requiring Property below the Standards prescribed in the By-law to be repaired and maintained to comply with the Standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded leveled condition.

AND WHEREAS the Corporation of the City of Vaughan has an official plan enacted pursuant to the *Planning Act* R.S.O 1990, c.P.13 as amended, which includes policies and provisions relating to the maintenance and occupancy of Property within the City of Vaughan.

NOW THEREFORE, the Council of the Corporation of the City of Vaughan hereby enacts as follows:

SECTION 1 SCOPE

- (1) This By-law applies to all Properties in the City of Vaughan.

SECTION 2 SHORT TITLE

- (1) This By-law may be referred to as the **"Property Standards By-law"**

SECTION 3 DEFINITIONS

- (1) **"Balcony"** means an external balustrade platform and includes both upper and lower surfaces of the platform.
- (2) **"Basement"** means a Storey or more than one Storey of a building located below the First Storey.
- (3) **"Cellar"** means that space of a building that is partly or entirely below Grade, which has half or more of its height, measured from floor to ceiling above that average exterior finished Grade.
- (4) **"Chief Building Official"** means the Chief Building Official as appointed under By-law by the City.
- (5) **"City"** means the Corporation of the City of Vaughan.
- (6) **"Clerk"** means the Clerk of the Corporation of the City of Vaughan.

- (7) **"Committee"** means a Property Standards Committee established under this By-Law in accordance with section 15.6 of the *Building Code Act, 1992*, as amended, or as substituted from time to time.
- (8) **"Construction Bin"** means any dumpster, commercial roll-off bin or other similar receptacle used for the accumulation and storage of construction waste, demolition waste, or other similar materials
- (9) **"Dwelling Unit"** means a self-contained room or series of rooms located in a building or structure used as a residential premises.
- (10) **"Exit"** means that part of a Means of Egress, including doorways, that leads from the Floor Area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- (11) **"Fence"** means a structure except a structural part of a building used wholly or partially to screen from view to enclose or divide a Yard or other land, to mark or substantially mark the boundary between adjoining land and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, any hedge or grouping of shrubs, or other combination of fencing components which form a continuous barrier for the same purpose.
- (12) **"First Storey"** means the Storey with its floor closest to Grade and having its ceiling more than 1.8 metres (6 feet) above Grade.
- (13) **"Floor Area"** means the space on any Storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including Exits and vertical service spaces that pierce the Storey.
- (14) **"Floor Covering"** means any surface used to cover the basic floor or sub flooring construction, including carpet, vinyl, tile, laminate and hardwood.
- (15) **"Grade"** means the average level of proposed or finished ground adjoining a building at grade level.
- (16) **"Graffiti"** means one or more letters, symbols or marks, howsoever made that disfigures or deface a Property or object, but does not include a Sign pursuant to the City Sign By-laws or a mural which has been authorized by the City.
- (17) **"Ground Cover"** means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- (18) **"Guard"** means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.
- (19) **"Habitable Room"** means any room in a Dwelling Unit used or capable of being used for living, sleeping, cooking or eating purposes.
- (20) **"Heritage Attributes"** means the attributes or features of Property, buildings or structures that contribute to the Property's cultural Heritage value or interest that are defined or described or that can be reasonably inferred:
 - a) in a By-law designating a Property passed under Section 29 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reason for designation, or otherwise;
 - b) in a Minister's Order made under Section 34.5 of the *Ontario Heritage Act* and identified as Heritage Attributes, reason for designation or otherwise;
 - c) in a By-law designating a heritage conservation district passed under Section 41 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reason for designation or otherwise;

- d) in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as Heritage Attributes, reasons for designation or otherwise
- (21) **"Means of Egress"** includes Exits and access to Exits and means a continuous path of travel provided for the escape of Persons from any point in a building or in a contained open space to a separate building, an open public thoroughfare or an exterior open space that is protected from fire exposure from the building and that has access to an open public thoroughfare.
- (22) **"Mixed-Use Property"** means a building or structure used heretofore or hereafter erected in part for a dwelling unit and in part for non-residential purposes.
- (23) **"Multi-Residential Property"** means a building or structure or part of a building of structure is used or designed for use for more than two Dwelling Units and includes any Yard appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, Fences and erections heretofore and hereafter erected.
- (24) **"Non-Habitable Room"** means any room in a Dwelling Unit other than a Habitable Room and includes bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the Dwelling Unit for public use, for access to and vertical travel between stories, and a Basement or part thereof which does not comply with the Standards of fitness for occupancy set out in this By-law.
- (25) **"Non-Residential Property"** means a building or structure or part of a building or structure not containing a legal Dwelling Unit, and includes the Yard appurtenant thereto and all mobile buildings, mobile structures, outbuildings, Fences and erections heretofore and hereafter erected.
- (26) **"Occupant"** means any Person or Persons over the age of eighteen years in possession of the Property.
- (27) **"Officer"** means a Property Standards Officer appointed by the City for the purposes of administering and enforcing this By-law.
- (28) **"Ontario Building Code"** means Ontario Regulation 350/06, as amended, or as substituted from time to time.
- (29) **"Ontario Heritage Act"** means *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, or as substituted from time to time.
- (30) **"Order"** means an Order made under this By-law.
- (31) **"Owner"** includes the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other Person, or who would so receive the rent if such premises were let, and shall also include a lessee or Occupant of the Property who, under the terms of lease, is required to repair and maintain the Property in accordance with the Standards for the maintenance and occupancy of Property.
- (32) **"Part IV Heritage Property"** means real property, including all buildings and structures thereon, that has been designated by the City under Section 29 of the *Ontario Heritage Act* or by the Minister under Section 34.5 of the *Ontario Heritage Act* as amended, or substituted from time to time.
- (33) **"Part V Heritage Property"** means real property, including all buildings and structures thereon, located within a heritage conservation district designated by the City under Section 41 of the *Ontario Heritage Act*.
- (34) **"Person"** includes an individual, firm, corporations, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a person.

- (35) **"Property"** means a building or structure or part of a building or structure and includes the Yard appurtenant thereto and all mobile structures, outbuildings, Fences and erections thereon, whether heretofore or hereafter erected.
- (36) **"Residential Property"** means a building or structure or part of a building or structure, that is used or designed for use as a Dwelling Unit and includes any Yard appurtenant thereto and all outbuildings, Fences and erections thereon, whether heretofore or hereafter erected.
- (37) **"Sewage System"** means a sanitary sewer system or a private sewage disposal system approved by the Chief Building Official.
- (38) **"Sign"** means any surface upon which there is printed, projected or attached any announcement, declaration, or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity or services, and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses. Furthermore, this includes flags, banners, advertising devices or any object intended for advertisement purposes.
- (39) **"Stagnant Water"** means motionless water, not flowing in a stream or current; also known as Standing Water. Water shall be deemed to be "stagnant" if the structure, excavation, ruts or depressions are capable of holding standing water for more than four consecutive days.
- (40) **"Standards"** means the Standards of physical condition and of occupancy prescribed for Property in this By-law.
- (41) **"Storey"** means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (42) **"Supplied Facility"** means any appliance, fixture or piece of equipment supplied in accordance with the provisions of a lease or rental agreement.
- (43) **"Swimming Pools"** means any above ground, in ground or inflatable structure that contains water and includes hot tubs and spas, ponds and any other water features capable of holding 30" or more water.
- (44) **"Vacant Property"** means a building or structure that is not occupied and includes the Yard appurtenant thereto and all mobile structures, outbuildings, Fences and erections thereon, whether heretofore or hereafter erected.
- (45) **"Vacant Lot"** means a Property that does not have a building or structure.
- (46) **"Vehicle"** means anything that is powered, drawn, propelled or driven by any means other than muscular power. Includes a motor Vehicle, trailer, boat, motorized snow Vehicle or other mechanical power driven equipment.
- (47) **"Yard"** means the land, other than publicly owned land, around or appurtenant to the whole or any part of a building or structure, and includes a Vacant Lot.

SECTION 4

4.1 Property Standards Committee

- (1) A Property Standards Committee is hereby established consisting of five Persons.
- (2) The Property Standards Committee shall hear appeals pursuant to section 15.3 of the *Building Code Act*, 1992, as amended, or as substituted from time to time.
- (3) The term of appointment of the Property Standards Committee shall be for the term of Council.

- (4) Property Standards Committee members shall be:
- a) Either a resident of the City or the Owner of tenant of land in the City;
 - b) a Canadian Citizen;
 - c) Eighteen years of age; and
 - d) Qualified to vote in a municipal election.
- (5) A Property Standards Committee member will immediately cease to be a member where before the expiry of his or her term:
- a) resigns
 - b) is unable for any reason to perform the duties of the Committee for a period of ninety days or more;
 - c) ceases to be:
 - i) either a resident of the City or the Owner or tenant of land in the City; or
 - ii) a Canadian Citizen;
 - d) becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
 - e) dies;
- the member will immediately cease to be a member of the Committee and Council shall forthwith appoint in his or her place another eligible Person for the unexpired portion of the term.
- (6) The Clerk shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- (7) Property Standard Committee Appeal Hearings are governed by the *Statutory Powers and Procedures Act*, R.S.O. 1990, c.S.22, as amended, or as substituted from time to time.

4.2 Administration and Enforcement

- (1) The City may appoint Officers and such other staff to carry out the administration and enforcement of this By-law.
- (2) Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention Officer of the City is hereby authorized and directed to act as an assistant to the Officer from time to time.

4.3 Inspections

- (1) An Officer and any Person acting under the Officer's instructions may, without a warrant, enter and inspect a Property to determine:
 - a) whether the Property conforms to the Standards prescribed in this By-law;
 - b) whether an Order made under this By-law has been complied with; and

- c) whether an Order made under section 15.7 of the *Building Code Act*, 1992, as amended, has been complied with.
- (2) Where the inspection is conducted by the Officer or any Person acting under the Officer's instructions, the Person conducting the inspection may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification;
 - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - e) order the Owner of the Property to take and supply at the Owner's expense such tests and samples as are specified.

4.4 Orders

- (1) An Officer who finds that a Property does not comply with the Standards prescribed in this By-law may make an Order and the Order shall contain:
 - a) the municipal address and/or the legal description of the Property;
 - b) the particulars of the contravention;
 - c) the particulars of the repairs to be made;
 - d) the time period for complying with the terms and conditions of the Order;
 - e) the final date for giving notice of appeal from the Order; and
 - f) notice that, if the repair or clearance is not carried out within the time period specified on the Order, the City may carry out the repair or clearance at the Owner's expense.
- (2) An Order may be registered in the proper Land Registry Office and, upon such registration, any Person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was originally served and, when the requirements of the Order are found to have been satisfied, the Clerk shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

4.5 Service

- (1) An Order shall be served personally or by registered mail sent to the last known address of the Person to whom notice is to be given or that Person's agent for service.
- (2) An Order served by Registered Mail shall be deemed to have been served on the 5th day after the date of mailing.
- (3) A copy of the Order may be posted on the Property.

4.6 Demolition or Repair by the City

- (1) If the Owner of a Property fails to demolish or repair the Property in accordance with the requirements of an Order, as confirmed or modified, the City, in additions to other remedies, shall:
 - a) have the right to demolish or repair the Property accordingly and for those purposes, may enter in and upon the Property, from time to time;
 - b) not be liable to compensate such Owner or other Person by reason of anything done by or on behalf of the City under the provisions of this By-law; and
 - c) be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.
- (2) The City shall not demolish or repair any Property in accordance with the provisions of the By-law without first obtaining direction to do so from the Council of the City.
- (3) Despite Subsection (2), the Director of Enforcement Services or the Chief Building Official may order the repair or maintenance of a Property within the City provided the total cost of repair or maintenance does not exceed \$10,000.

4.7 Interpretation

- (1) Where a provision of this By-law conflicts with a provision of any other By-law of the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- (2) If a section of this By-law is rendered null and void, it does not affect the active By-law.
- (3) The invalidity of any section, paragraph, portion of a paragraph, clause or portion of a clause of this By-law is not intended to and shall not affect the validity of any other provision of this By-law.

4.8 Standards of Occupancy

- (1) No Person shall use or occupy or permit the use or occupancy of any Property that does not conform to the Standards set out in this By-law.
- (2) The Owner of any Property which does not conform to the Standards shall repair and maintain such Property to conform to the Standards prescribed by this By-law, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.
- (3) All repairs and maintenance of Property required by the Standards prescribed by this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- (4) No Person shall remove from any premises any Sign, notice or placard placed thereon pursuant to Section 15.3 of the Ontario *Building Code Act, 1992*, as amended, or this By-law.
- (5) Where a certificate of compliance is requested by the Owner, it shall be issued by the Officer but only where accompanied by a non-refundable fee payment and provided for under the applicable Fees and Charges By-law, as amended.

SECTION 5 STANDARDS FOR ALL PROPERTIES**5.1 Maintenance of Yards**

- (1) Every Yard shall be kept clean and free from:
 - a) Rubbish, garbage, brush, waste, litter, trade waste and other debris;
 - b) Rodents, vermin, insect pests and other pests and from any condition which may encourage the infestation or harbouring of such pests;
 - c) Weeds and grass exceeding eight inches (8") in height;
 - d) Noxious weeds as defined in the *Weeds Control Act*, R.S.O. 1990, c. W.5, as amended;
 - e) Damaged or dead Ground Cover;
 - f) Vehicles, boats and trailers that are wrecked, dismantled, partially dismantled, abandoned, unused, inoperative or not affixed with a valid plate displaying a valid permit registered to the Vehicle, boat or trailer;
 - g) Vehicles, except on a driveway that is constructed and surfaced in compliance with the City Zoning By-law 1-88, as amended;
 - h) Domestic storage such as firewood, building materials, garden equipment and materials, unless such is stored neatly, but not in the front, interior or exterior side Yards;
 - i) Holes, excavations or any unprotected wells that create a hazard;
 - j) Machinery or any parts thereof;
 - k) Domestic animal excrement;
 - l) Damaged or dilapidated landscape or garden features such as awnings, marquees, canopies, garden furniture, pergolas, trellis, lattice, statues and benches;
 - m) Constructions Bins, unless they are actively being used in connection with the construction or demolition of a building or structure; and
 - n) Any unsafe or unsightly condition out of character with the surrounding environment.
- (2) Ground Cover shall be maintained so as to not create an unsightly appearance.

5.2 Driveways and Parking Lots

- (1) All driveways or parking lots shall be:
 - a) Maintained in good repair;
 - b) kept free dirt, surface dust, refuse and other debris or materials;
 - c) free from deep holes and ruts;
 - d) free from excessive ponding of water; and
 - e) free from oil or other Vehicle fluid stains.

- (2) Driveways and parking lots shall be repaired with materials so as to maintain a uniform appearance.

5.3 Plantings

- (1) Hedges, shrubs, plantings or trees shall be maintained in a manner that does not:
 - a) obstruct the safety of the public;
 - b) affect the safety of vehicular or pedestrian traffic;
 - c) partially or wholly conceal or interfere with the use of any hydrant or water valve; and
 - d) overhang upon any pavement, sidewalk or travelled portion of any street or highway.

5.4 Flags

- (1) Flags shall be kept free from any damaged parts.
- (2) Flag poles shall be secured into the ground or secured into any structure.

5.5 Signs

- (1) Signs which are damaged, broken, defaced or which are excessively weathered or faded or upon which the finish is worn, peeled or cracked shall, with their fastenings or supporting members, be removed or shall be refinished and put in a good state of repair.
- (2) The intensity and directionality of illuminated Signs shall be in accordance with the plans submitted to the City.

5.6 Antennae

- (1) Crane ways, lightning arrestors, television and radio antennae and structures of similar character shall be maintained in good repair and free of fire and hazards and properly anchored and plumb, unless specifically designed to be other than vertical.

5.7 Exterior Lighting

- (1) Exterior lighting fixtures shall be directed in a manner so as to prevent the light source from shining directly onto abutting Properties.
- (2) Exterior lighting fixtures and the connections thereto shall be kept in a safe working condition.

5.8 Swimming Pools

- (1) Swimming Pools and any accessory parts shall be maintained in good repair.
- (2) Swimming Pools shall be kept free from Stagnant Water and any other safety or health hazard.
- (3) Swimming Pools, and any accessory or parts thereof which are not operated shall be removed, or fitted with suitable cover so as to prevent visual blight, the entrance of elements, or the infestation of pests and insects.

5.9 Fences

- (1) Fences shall be maintained:
 - a) in a structurally sound condition;
 - b) in good repair, free from cracks, and missing, broken, or warped components;
 - c) free from hazards, including protruding nails, screws and staples;
 - d) free from posters, Signs, notices, advertising materials, words, slogans, pictures, drawings, or other defacements;
 - e) in a plumb condition, unless specifically designed to be other than vertical;
 - f) so that it is of uniform appearance; and
 - g) so that it does not create an unsightly appearance;
- (2) Fences shall not be used as a support for any structure, object or thing that could exert a lateral force against or upon the Fence.
- (3) Fences shall be capable of performing safely the function for which they were constructed.
- (4) Fences shall kept free from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is resistant to such deterioration;

5.10 Garbage and Refuse

- (1) Garbage, compost and refuse shall be stored in receptacles in accordance with the City's Waste Management By-law, as amended.
- (2) Outdoor storage of garbage, compost and refuse, including receptacles, shall
 - a) be maintained in a litter-free and odour-free condition, and in a manner that will not attract pests or create a health or safety hazard;
 - b) be screened from a public highway, street, walkway, park or Residential Property so as not to be visible from such locations; and
 - c) not be stored in the front Yard or on any Balcony.

5.11 Catch Basins

- (1) Catch basins and storm drains shall be maintained free from defects, including broken members and blocked covers.

5.12 Sewage Discharge and Drainage

- (1) Sewage shall be discharged into Sewage System.
- (2) No roof drainage shall be discharged or channeled onto walkways, stairs, entrance ways, adjacent Property, any impervious road allowance, directly or indirectly into the Sewage System, or in such a manner that it will penetrate or damage a building or structure.

- (3) Sump or swimming pool discharge, and water artificially brought on the land, shall be drained from the Yard so as to prevent ponding or the entrance of water into a Basement, Cellar or onto adjacent Property.

5.13 Balconies, Porches and Decks

- (1) Balconies, porches and decks shall be maintained:
 - a) in good repair and free from unsafe conditions;
 - b) free from rubbish, debris and the accumulation of materials;
 - c) properly and securely anchored; and
 - d) protected against deterioration and decay by the periodic application of a weather resistant material such as paint.
- (2) Any accessory attachments to balconies, porches or decks, including screens and awnings, shall be maintained in good working condition

5.14 Exterior Walls

- (1) Exterior walls shall be maintained in good repair, free from broken masonry units, defective or deteriorated wood, broken or loose stucco, or defective or deteriorating siding or trim.
- (2) The protective and decorative materials of all exterior walls, including paint, shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building.
- (3) Openings in exterior walls not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin, rodents, insects, or other pests.

5.15 Doors

- (1) Doors, including their frames, glass panels, door handles, locking mechanisms, and other hardware shall be kept in good repair.
- (2) Doors shall be properly fitted in their frames.

5.16 Garage Doors

- (1) Garage doors shall be:
 - a) kept in good repair and structurally sound;
 - b) kept free from holes and cracks;
 - c) able to open and close without impediment;
 - d) able to open manually if there is an interruption in power or if there is a mechanical failure;
 - e) kept free from cracked or peeling paint or any other damaged exterior finishing; and
 - f) kept free of any Graffiti.

5.17 Roofs

- (1) Roofs shall be maintained:
 - a) in a structurally sound condition;
 - b) in a water-tight condition;
 - c) free from loose or unsecured objects or materials;
 - d) free from hazards, including dangerous accumulations of snow and/or ice;
 - e) free from conditions causing or contributing to leaks;
 - f) free from conditions that are detrimental to the appearance of the building; and
 - g) free from any garbage or debris.
- (2) Eaves troughs, leaders, roof drains and downspouts shall be secured and maintained in a serviceable condition.
- (3) Soffit and fascia components shall be secured and maintained in good repair and properly painted or otherwise treated.
- (4) Every chimney, smoke pipe, flue and gas vent, and other similar structures shall be:
 - a) clear of obstructions;
 - b) free from open joints;
 - c) free from broken and loose masonry;
 - d) in good repair and plumb;
 - e) loose or missing bricks and mortar; and
 - f) loose or broken chimney caps.

5.18 Stairs, Handrails and Guards

- (1) Handrails and Guards shall be provided in accordance with the Ontario Building Code.
- (2) All stairs, ramps, porches and landings, all treads and risers, all Guards and handrails, and all supporting structural members thereof, shall be maintained in good repair free from defects and accident hazards and capable of supporting all loads to which they might be subjected.

5.19 Fire Escapes

- (1) Fire escapes shall be constructed in a good workmanlike manner and securely fixed to the building.

5.20 Electrical Systems

- (1) All buildings shall be connected to an electrical supply system and shall be wired to receive electricity.

- (2) All electrical fixtures, switches, receptacles and connections thereto shall be maintained in safe and complete condition, and in a good working order.

5.21 Heating, Ventilating and Air Conditioning

- (1) All heating, ventilation and mechanical systems of a building shall be provided, maintained and operated free from safety hazards and kept in good repair.

5.22 Plumbing

- (1) All plumbing, drainpipes, water pipes, plumbing fixtures and every connecting line to the Sewage System shall:
 - a) be maintained in good working order and repair free from leaks or defects;
 - b) be protected from freezing;
 - c) be kept in a clean and sanitary condition.

5.23 Mould

- (1) Buildings and structures shall be kept clear and free from mould or any condition that may cause mould or other types of decay.

5.24 Windows

- (1) Windows shall be:
 - a) kept free from broken glass or screens;
 - b) kept free from any other damaged or broken supporting members;
 - c) securely fitted into its frame; and
 - d) able to open and close without impediment.
- (2) Caulking around the interior and exterior of a window shall be maintained in good condition.
- (3) Window decorative features shall be maintained in good condition and free from any missing members and peeling paint or surface cover.

5.25 Structural Adequacy

- (1) Every part of a Property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
 - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c) to be capable of adequately performing its intended function; and

- d) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration.

5.26 Demolition

- (1) Properties shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials, and left in a graded and leveled condition, where buildings or structures are demolished.
- (2) Where a part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this By-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors and from areas of multi-coloured paint or wallpaper.
- (3) Where a building or other structure is being demolished, every precaution shall be taken to protect adjoining Properties and members of the public. Such precautions shall include the erection of Fences, barricades, covered ways for pedestrians and other means of protection necessary for the purpose.

SECTION 6 ADDITIONAL STANDARDS FOR DWELLING UNITS

6.1 Duties of Owners and Occupants

- (1) In addition to the Standards for the maintenance and occupancy of Property as set out in this By-law, the Owner of a Residential Property shall also comply with Standards for Dwelling Units in this Section.
- (2) Every Occupant of a Dwelling Unit, or in that part of the Dwelling Unit that he or she occupies or controls shall:
 - a) limit the number of Occupants thereof to the maximum number permitted by this By-law;
 - b) keep all Exits unobstructed; and
 - c) cooperate with the landlord in complying with the requirements of this By-law.

6.2 Occupancy Standards

- (1) The maximum number of Occupants in a Dwelling Unit shall not exceed one Person for each nine square metres of Habitable Room Floor Area.
- (2) A Non- Habitable Room shall not be used as a Habitable Room.
- (3) No room shall be used for sleeping purposes unless there is a minimum Floor Area of 6 square metres.
- (4) Rooms used for sleeping purposes by two or more Persons shall have a minimum Floor Area of at least 4 square meters for each Person using the room.

6.3 Facilities

- (1) Every Supplied Facility shall be so constructed and maintained so that it will function safely and effectively, and in a good working order.
- (2) Dwelling Units shall be provided with at least a toilet, a wash basin, a kitchen sink, and a bathtub or shower.

- (3) A bathroom shall be located and equipped to provide privacy.

6.4 Doors

- (1) Doors leading to the exterior of the Dwelling Unit shall be capable of being locked or otherwise secured from inside the Dwelling Unit.

6.5 Windows

- (1) Windows designed to be opened shall be fitted with screens so as to prevent the entrance of vermin, rodents, insects, and other pests.

6.6 Floors

- (1) Floors and Floor Coverings shall be maintained free from rubbish and debris.
- (2) Floors and Floor Coverings shall be maintained reasonably smooth and level and free from warped or decayed boards, holes, large cracks, depressions, protrusions, deterioration or other defects.
- (3) Deteriorated or damaged Floor Coverings shall be repaired or replaced with materials so that the flooring presents a uniform and neat appearance.

6.7 Interior Walls and Ceilings

- (1) Interior Walls and Ceilings shall be maintained in good repair free from holes, cracks, broken plaster, loose or broken masonry;
- (2) Repairs made to Interior Walls and Ceilings shall be finished to match the existing Walls and Ceilings.

6.8 Water

- (1) Dwelling Units shall be provided with an adequate supply of potable and running water from a source approved by the Medical Officer of Health of the Regional Municipality of York.
- (2) The maximum temperature of hot water supplied to plumbing fixtures in a Dwelling Unit shall not exceed 69 Degrees Celsius measured at the tap with the water running for at least thirty (30) seconds.

6.9 Heating

- (1) Dwelling Units shall be provided with a heating system capable of maintaining a room temperature of 21 Degrees Celsius at 1.5 metres (5 feet) above the floor level in all Habitable Rooms.
- (2) Heating Systems shall be maintained in a safe and good working condition.
- (3) Fireplaces and other fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be maintained in good repair.

6.10 Carbon Monoxide Detectors

- (1) Carbon monoxide detectors shall be installed adjacent to each sleeping area in a Dwelling Unit.
- (2) Carbon monoxide detectors shall be kept in good working order at all times.

6.11 Disconnecting Utilities

- (1) No Owner or Occupant, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for a Dwelling Unit occupied by a tenant except for such a reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

SECTION 7 ADDITIONAL STANDARDS FOR MULTI-RESIDENTIAL PROPERTIES

7.1 Duties of Owners

- (1) In addition to the Standards for the maintenance and occupancy of Property as set out in this By-law, the Owner of Multi-Residential Properties shall also comply with the Standards for Multi-Residential Properties in this Section.

7.2 Ancillary Rooms

- (1) All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.
- (2) All sinks provided in ancillary rooms shall be connected to hot and cold water and properly connected to the drainage system.
- (3) All laundry rooms shall have a trapped floor drain connected to the drainage system and capable of adequately draining the floor.
- (4) Recreational amenities, facilities rooms, play areas and play surfaces, indoor and outdoor Swimming Pools and equipment shall be maintained in good repair, clean and be available for use at reasonable hours.

7.3 Elevators

- (1) Elevators shall be certified to be in good working order and compliance with the *Elevating Devices Act*, as amended, or as substituted from time to time. A certificate of safety and Maximum Occupant Load shall be posted in all elevators.
- (2) Elevators shall be maintained in a clean condition, free from litter, garbage or debris, stains, Graffiti, and advertisements.
- (3) All elevator parts and appendages, including light fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be kept in good repair and operational.

7.4 Common Area Floors, Stairs, and Landings

- (1) Every common area floor, stair, landing and every appurtenance, surface and finish attached to or laid upon it shall be maintained so as to properly perform its intended function.
- (2) Common area stair hand rails shall be maintained free from damage and obstructions.

7.5 Storage Rooms

- (1) Walls, ceilings, floors and doors of a storage room shall be kept clean and free from holes, cracks.
- (2) Storage room doors and their locking devices shall be maintained in good working order.
- (3) Walls, ceilings, floors and doors of a storage room shall be kept clean and free from Graffiti.
- (4) Adequate lighting shall be provided in every storage room and kept in good working order.

7.6 Shared Entrances

- (1) Every door used as an entrance to or Exit from a multi-residential building shall be kept closed and locked and equipped with self-closing and self-locking mechanisms, and the door shall not be secured in an open position except in an emergency situation.
- (2) All doors used as an entrance to or Exit from a multi-residential building, including the self-closing and self-locking mechanisms, shall be kept in good working order.

7.7 Communication Systems

- (1) Each Dwelling Unit in a Multi-Residential Property shall be connected by a two-way voice communication system and security locking release mechanisms to the principle entrance of the buildings.
- (2) Communication systems at the principal entrance of a multi-residential buildings and all security locking devices and release mechanisms connected to the systems shall be maintained in good repair and in operative condition.
- (3) The communication system shall not identify a tenant by unit number.

7.8 Garages Doors

- (1) Garage doors equipped with an automatic closing mechanism shall be equipped with an operational sensory device to detect any Person, Vehicle, animal or object when crossing its path.
- (2) All swipe card or key access devices to a garage door shall be kept in good working order.

7.9 Parking Garages

- (1) Every wall, floor, ceiling and columns of every parking garage shall be maintained from holes, breaks or cracks and impervious to water.
- (2) Every wall, floor, ceiling and column shall be free from any Graffiti.
- (3) Every parking garage shall be kept clean and free from garbage, litter, debris and rubbish.
- (4) No machinery, boats, Vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be kept or allowed to remain in a parking garage.
- (5) Every parking garage shall be adequately lighted.
- (6) Exit Signs shall lighted, placed at appropriate locations, and kept in good working order.

- (7) All pedestrian Exit doors and associated hardware shall be maintained in good working order and provided with proper security measures to prevent unwanted access.

7.10 Garbage

- (1) Multi-residential properties shall have a garbage storage facility or sufficient number of suitable receptacles that are readily accessible to all Occupants so as to contain all garbage, debris and trade waste.
- (2) Every garbage chute, garbage storage facility, or receptacle shall be washed and disinfected as often as it is necessary to maintain a clean and odour free condition.

7.11 Mail

- (1) Mail rooms shall be kept clean and free from any discarded papers, litter, rubbish and debris.
- (2) Mail slots providing access to a Dwelling Unit shall be designed or located so as to prevent access from the slot to unlock the door knob or other locking devices.

7.12 Snow Removal

- (1) All ramps and access routes leading to parking garages shall be kept free from ice and snow.
- (2) All walkways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times.
- (3) All exterior parking areas, including laneways shall be kept free from accumulations of snow and ice at all times.
- (4) Mechanical de-icing equipment for ramps and access routes, where provided, shall be maintained in good working order.

7.13 Contact Signs

- (1) A Sign shall be posted and maintained in a prominent place in the front lobby or entrance of the building.
- (2) The Sign shall indicate, the current name, address and telephone number of the Owner, manager, or other Person responsible for the Property and the name and telephone number of the authorized Person to contact in the case of an emergency on a twenty-four (24) hour basis.
- (3) The Sign shall indicate the name and number of any Condominium Corporation and the Property Management Company responsible for the Property.
- (4) The telephone numbers listed on the Sign shall be numbers that do not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number.
- (5) If there is a change in the information displayed on the Sign, the Sign shall be revised to reflect the change within one week of the change.

SECTION 8 ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTIES

8.1 Duties of Owners

- (1) In addition to the Standards for the maintenance and occupancy of Property as set out in this By-law, the Owner of Non-Residential Property shall also comply with the Standards for Non-Residential Property in this Section.
- (2) Non-Residential Property shall be maintained:
 - a) in a clean, sanitary and safe condition;
 - b) free from such litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter and refuse;
 - c) free from objects or conditions which are health, fire and accident hazards; and
 - d) free from rodents, vermin, and injurious insects.

8.2 Storage Areas

- (1) Where outside storage of goods, materials, machinery or equipment and Vehicles is permitted on a Non-Residential Property, the storage area shall be graded and maintained with gravel, or surfaced and maintained with concrete, asphalt, crushed stone or other hard surface and dustless materials.
- (2) Notwithstanding section 8.2(1) all outside storage areas which abut any residentially zoned Property shall be surfaced and maintained with asphalt, concrete or interlocking stone.

8.3 Interior Walls, Ceilings and Floors

- (1) Interior walls, floors and ceilings of a building or structure on a Non-Residential Property shall be maintained:
 - a) free from hazards;
 - b) in good repair and free from holes, large cracks, broken plaster, and loose or broken masonry; and
 - c) in a clean and sanitary condition which is reasonable considering the use or operation.
- (2) Repairs made to the interior walls, floors and ceilings of Non-Residential Properties shall be finished to match the existing walls, floors and ceilings.

8.4 Driveways and Parking Lots

- (1) All driveways and parking lots shall be:
 - a) surfaced and maintained with asphalt, concrete or interlocking stone;
 - b) provided with suitable marking such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible;

- c) provided with secured curb stops or other restraining devices to prevent Vehicles from damaging Fences, lamp standards, poles and other structures on the parking lot or adjoining Property and from encroaching onto adjoining Property. All curb stops or restraining devices shall be kept in good repair; and
- d) kept clear and free from snow and ice.

8.5 Exterior Lighting

- (1) All light standards and fixtures situated on Non-Residential Property shall be working at all times that the business is in operation between sunset to sunrise.

8.6 Heating

- (1) Buildings on Non-Residential Properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 Degrees Celsius at 1.5 metres (5 feet) above the floor level when the premises are occupied.
- (2) Heating Systems shall be maintained in a safe and good working condition.

8.7 Means of Egress

- (1) All Means of Egress within a Non-Residential building shall be:
 - a) maintained free from all obstructions or impediments;
 - b) adequately lighted at all times; and
 - c) provided with clean, clear, unobstructed and readily visible Exit Signs for every required Exit, and such Exit Signs shall be lighted.
- (2) In a Mixed-Use Property, no Means of Egress from the non-residential portion of the building shall pass through any part of any Dwelling Unit unless the Occupant thereof is also the Occupant of the non-residential portion.

SECTION 9 ADDITIONAL STANDARDS FOR PART IV AND PART V HERITAGE PROPERTIES

9.1 Minimum Standards

- (1) In addition to the minimum Standards for the maintenance and occupancy of Property as set out in this By-law, the Owners of Part IV Heritage Property or a Part V Heritage Property shall:
 - a) comply with the Standards for Part IV and Part V Heritage Properties in this section;
 - b) maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural integrity of the building or structure; and
 - c) maintain the Property in a manner that will ensure the protection and preservation of the Heritage Attributes.

9.2 Repair of Heritage Attributes

- (1) Despite any other provision of this By-law, where a Heritage Attribute of a Part IV Heritage Property or a Part V Heritage Property can be repaired the Heritage Attribute shall not be replaced and shall be repaired:
 - a) in a manner that minimizes damage to the heritage values and attributes;
 - b) in a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Attributes; and
 - c) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.
- (2) Where the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials

9.3 Replacement of Heritage Attributes

- (1) Despite any other provision of this By-law, where a Heritage Attribute of a Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:
 - a) using the same types of materials as the original;
 - b) where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material;
 - c) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute; and
 - d) in a manner that minimizes damage to the Heritage Attributes of the Property.

9.4 Clearing and Leveling of Heritage Properties

- (1) Despite any other provision of this By-law or the *Building Code Act, 1992*, as amended, or as substituted from time to time, no building or structure of a Part IV Heritage Property or a Part V Heritage Property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.

9.5 Vacant and Damaged Designated Heritage Properties

- (1) Where a Part IV Heritage Property or a Part V Heritage Property remains vacant for a period of 90 days or more, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.
- (2) The Owner of the vacant Part IV Heritage Property or a Part V Heritage Property shall protect the building and Property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it all of all animals and unauthorized Persons and by closing and securing openings to the building with boarding:
 - a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;

- b) that is fastened securely in a manner that minimizes damage to the Heritage Attributes and the historic fabric and is reversible; and
 - c) in a manner that minimizes visual impact.
- (3) Despite any of the provisions above, no window, door or other opening on a Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required.
- (4) Where utilities are available for safety and security of the building, an exterior lighting fixture shall be installed and maintained in the front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.
- (5) The Owner of vacant Part IV Heritage Property or Part V Heritage Property shall post Signs prohibiting trespassing onto the Property and prohibiting removal of materials.

9.6 Conflict

- (1) If there is a conflict between this section and any other provision in this By-law or any other City By-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

SECTION 10 ADDITIONAL STANDARDS FOR VACANT PROPERTIES

- (1) In addition to the Standards for Vacant Properties as set out in this By-law, the Owner shall also comply with the Standards in this Section.
- (2) A Vacant Property shall be secured by fencing, wheel stops, bollards or similar devices to prevent unauthorized entry.
- (3) Where the exterior doors, windows, trim or other openings of vacant buildings, partially vacant buildings or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair, the City may order the Property Owner to board the building or structure as an interior security repair measure so as to prevent the entrance of elements, unauthorized Persons or the infestation of pests.
- (4) The boarding as ordered shall comply with the following requirements:
- a) all boards used in the boarding shall be installed from the exterior and properly fitted to the size of the opening of the building or structure within the frames in a watertight manner
 - b) doors, windows and other openings at the Basement, ground floor levels and upper levels of the building or structure shall be securely boarded up with a solid piece of plywood or metal plate
 - c) all plywood used for boarding must be secured with nails or screws.
- (5) Where a building remains vacant for a period of more than sixty (60) days, the Owner, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent Properties.
- (6) Sub section (5) does not apply where such utilities are necessary for the safety or security of the building.

SECTION 11 ADDITIONAL STANDARDS FOR BUILDINGS OR STRUCTURES DAMAGED BY FIRE OR OTHER NATURAL CAUSES

- (1) A building or structure damaged by fire, storm or by other natural causes shall be demolished or repaired.
- (2) Where a building or structure is damaged by fire, storm or by other natural causes, immediate steps shall be taken to prevent or remove a condition which might endanger Persons on or near the Property.
- (3) The building or structure which is damaged by fire, storm or by other natural causes shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- (4) All Properties damaged by fire, storm or other natural causes shall be secured to prevent entry onto such Properties.
- (5) Defacements by smoke or by other similar causes on the exterior walls and surfaces of the buildings or structures or of the remaining parts of the building or structures, shall be removed and the defaced areas refinished in a workmanlike manner.

SECTION 12 TRANSITIONAL PROVISIONS

12.1 Transitional Provisions

- (1) This By-law comes into force on the day of its passing.
- (2) After the date of passing of this By-law, By-law 409-99, as amended, applies only to properties in respect of which a notice or Order has been given under By-law Number 409-99, prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Notice or Order has been completed or any enforcement proceedings in respect of such Notice or Order, including demolition or repair by the Municipality, have been concluded.
(Note: By-law 409-99, as amended, is available in the City Clerk's Office)
- (3) Except for the purpose set out in Subsection (2), hereof, By-law 409-99, as amended, is hereby repealed.

SECTION 13 PENALTIES

13.1 Penalties

- (1) Every Owner who fails to comply with an Order that is final and binding is guilty of an offence and on conviction is liable to a fine pursuant to the *Building Code Act*, 1992, as amended, or as substituted from time to time.

Enacted by City of Vaughan Council this 13th day of December, 2011.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

ATTACHMENT 2

EXTRACT FROM THE HERITAGE VAUGHAN AGENDA OF NOVEMBER 19, 2009 **(RECOMMENDATION AS SHOWN WAS APPROVED BY THE COMMITTEE)**

Proposed Amendment to the Property Standards By-Law for the Protection of Heritage Buildings

Recommendation

Cultural Services recommends

1. That Council approve an amendment to the City of Vaughan Property Standards By-law 409-99, to include property standards provisions for heritage properties designated under Section 29 of the Ontario Heritage Act (as provided under Section 35.3 (1) of the Ontario Heritage Act) and for heritage properties registered under Section 27 of the Ontario Heritage Act and for heritage properties of interest included in the Vaughan Heritage Inventory.
2. That the Legal Department and By-law Enforcement Department work with Cultural Services staff to develop a by-law amendment that will be comprehensive and enforceable to ensure the preservation of Vaughan's built heritage resources,.

Background

In April 2005, the Ontario Heritage Act (Bill 60) was passed including provisions which provide municipalities with new powers to make by-laws prescribing minimum standards for the maintenance of the heritage attributes of properties designated under the Ontario Heritage Act. The property standards provision under Section 35.3 (1) of the OHA can require that identified heritage attributes be maintained in a manner that conserves the character and integrity of such attributes, and therefore the heritage value of the property.

The City of Vaughan has had and continues to have heritage buildings that when left vacant and abandoned by the owner, are stripped of the building's architectural features or their integrity is compromised through damage caused by the lack of maintenance and care. These buildings have been primarily old farmhouses that are located within large-scale industrial or residential subdivision applications and remain vacant and unsecured for long periods while the physical property or applications are being prepared/processed for development. Recently we have also had buildings located along mainstreets that are in very poor condition and through neglect and lack of regular maintenance and repair have compromised the architectural value of the building. In ensuring that the heritage attributes of heritage properties are maintained and preserved, staff are recommending using the provision under Section 35.3 (1) to strengthen the authority of By-law Enforcement to request property owners to maintain and secure vacant heritage buildings.

The proposed draft by-law provides additional property standards measures to qualifying heritage properties that are vacant for a period of more than 90 days, requiring that such properties be boarded up to prevent entry; that the exterior be maintained to prevent moisture penetration and damage from the elements and to minimize the risk of damage by fire.

The support of such a by-law and its enactment will assist in providing an additional protective measure/tool for the City to use to ensure the preservation of Vaughan's built heritage resources.

Proposed By-Law Wording (Pending review and approval of the City's Legal Department and By-Law Enforcement)

1. Definitions

"boarded building" means a vacant, a partially vacant building, or an abandoned building or structure in which some or all of the windows, doors or other openings have been covered by affixing wood or metal over them so as to prevent the entrance of elements or unauthorized persons;

"Cultural Services staff member" shall mean the Cultural Heritage Coordinator or Manager of Cultural Services Division of Recreation and Culture Department of the City;

"demolish" means the doing of anything to effect the removal of a building or structure or part thereof;

"graffiti" means one or more letters, symbols or marks, whosoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City's sign by-laws or a mural which has been authorized by the City;

"heritage attributes" means the attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred:

(a) In a by-law designating a property passed under Section 29 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation, or otherwise;

(b) In a Minister's order made under Section 34.5 of the Ontario Heritage Act and identified as heritage attributes, reason for designation or otherwise;

(c) In a by-law designating a heritage conservation district passed under Section 41 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation or otherwise;

(d) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise; or

(e) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

(f) Where the documents referred to in clauses a, b, c, and d above do not specifically list the heritage property's features of significant cultural heritage value or interest, such features, attributes or properties shall be as determined by Cultural Services staff.

"heritage property" shall mean any property, as defined in the Property Standards By-law, whether vacant or inhabited, that

- (a) has been designated under Section 29 or 34.5 of the Ontario Heritage Act; or
- (b) has been designated as part of a heritage conservation district under Section 41 of the Ontario Heritage Act
- (c) is a registered property in accordance with Subsection 27 of the Ontario Heritage Act
- (d) is a heritage property of interest included in the Vaughan Heritage Inventory

"heritage property of interest" means real property, including all buildings and structures thereon, that has been included in the City of Vaughan Heritage Inventory.

"hoarding" means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development

"Ontario Heritage Act" shall mean the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended."

"Part IV heritage property" means real property, including all buildings and structures thereon, that has been designated by the City under Section 29 or by the Minister under Section 34.5 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

"Part V heritage property" means real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under Section 41 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

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

"registered heritage property" means real property, including all buildings and structures thereon, that has been included in the register of property situated in the municipality that is of cultural heritage value or interest, under Section 27 (1) of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or substituted from time to time.

"standards" means the standards of physical condition and occupancy of property set out in this by-law.

2. Sentence 2.2.2, Section 2.2, "Property Standards Officer", Part 2 "Administration" of the City of Vaughan Property Standards By-law 409-09, is hereby amended by adding the words "or Cultural Services staff member" after the words "Fire Prevention Officer" thereto.
3. Part 2, "Administration" of the City of Vaughan Property Standards By-law 409-09,

is hereby amended by adding the following section:

Section 2.6 Prohibition

(3) Notwithstanding Section 2.3 TO 2.5, the owner of a Registered Property, Part IV Heritage Property or a Part V Heritage Property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards and the property shall not be cleared of all buildings and structures that fail to do so.

4. Standards for Heritage Properties

(1) In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this by-law, the owner or occupant of a Registered Property, Part IV Heritage Property or a Part V Heritage Property shall:

(a) Maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.

(b) Maintain the Heritage Property and the components of the property that hold up, support or protect the Heritage Attributes in a manner that will ensure the protection and preservation of the Heritage Attributes, including maintaining in good repair and good condition the roof, exterior walls/siding, structural openings and eavestroughs.

(2) Despite any other provision of this by-law, where a Heritage Attribute of a Registered Property, Part IV Heritage Property, or a Part V Heritage Property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired:

(a) In a manner that minimizes damage to the heritage values and attributes of the property;

(b) In a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;

(c) Using the same types of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and

(d) Where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

(3) Despite any other provision of this by-law and notwithstanding that a permit may be required under the Ontario Heritage Act or the Building Code Act, 1992, where a Heritage Attribute of a Registered Property, Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:

(a) Using the same types of material as the original;

(b) Where the same types of material as the original material are no

longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and

(c) In a manner that replicates the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute.

(4) All Heritage property, including but not limited to, buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

(5) Exterior signs on any land, building or structure that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building on the property if deemed to have cultural significance by Cultural Heritage staff

(6) Foundations, Foundation Walls and Environmental Separation Systems Components

a) The foundations and the foundation walls of every heritage building or structure or part of a heritage building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary to stabilize the heritage attributes of the building.

5. Boarded Buildings on Heritage Properties

(1) This section applies exclusively to all buildings and structures located on a Registered Property, Part IV Heritage Property or a Part V Heritage Property.

(2) Vacant and Damaged Heritage Properties:
Despite [other sections in this by-law] where a building or structure containing heritage attributes located on a heritage property is vacant, partially vacant or unoccupied for a period of 90 days or more, the owner shall ensure that (when available) appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.

(3) Where exterior doors, windows or other openings of vacant buildings or structures, partially vacant buildings or structures or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair, the City may order the property owner to board up the building as an interim security measure so as to prevent entrance of the elements, or unauthorized persons, or the infestation of pests.

(4) The boarding as ordered under Subsection (3) shall comply with the following requirements:

(a) In the case of door and window openings, all boards used in the boarding shall be installed from the exterior and shall be properly fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding.

(b) Doors, windows and other openings at the basement, ground floor and first level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal at least 19 millimetres (3/4 inch) thick. One ground floor door opening should be boarded in such a way that authorized access is still possible by lock and key.

(c) Doors, windows and other openings above the first floor level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal plate at least 19 millimetres (3/4 inch) thick.

(d) All plywood used for the boarding must be secured with nails and screws at least 50 millimetres (2 inches) and spaced not more than 150 millimetres (6 inches) on centre.

(e) Notwithstanding item (g) [boarding] shall be fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible.

(f) No window, door or other opening on a Registered Property, Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required.

(g) Where utilities are available, for safety and security of the building, an exterior lighting fixture shall be installed and/or maintained in the front porch, veranda or area adjacent to the front entrance of the building or structure and must be kept on a timer.

(h) The owner shall post signs prohibiting trespassing and prohibiting removal of materials

(i) The premises shall be graded to prevent the pooling of water near the foundation of the building structure and so that there is no recurrent entrance of water into any basement or cellar.

6. All work performed in accordance with the requirements of this Article must comply with all other relevant by-laws and legislation including the Ontario Heritage Act and must receive approval from Cultural Services prior to commencement of work.
7. Every owner and occupant of heritage property shall, in addition to complying with the other requirements of this by-law, maintain and repair the heritage property as necessary to protect and prevent deterioration of its heritage attributes.
8. Penalty:

(1) An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under of Section 36(1) of the Building Code Act, R.S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.