

CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW NUMBER 09-89

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE CITY OF QUINTE WEST.

WHEREAS section 15.1 (3) of the Building Code Act, S.O. 1992, c.23, provides that a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality, provided, the Official Plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Corporation of the City of Quinte West includes provisions relating to property conditions as required by section 15.1 (3) of the Building Code Act, S.O. 1992, c.23, as amended;

AND WHEREAS the Council of the Corporation of the City of Quinte West deems it expedient to enact a By-law prescribing the standards for the maintenance and occupancy of property in the City of Quinte West;

AND WHEREAS section 15.6 (1) of the Building Code Act, S.O. 1992, c.23, requires that a By-law passed under section 15.1 (3) of the Building Code Act, S.O. 1992, c.23, shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF QUINTE WEST AS FOLLOWS:

1. This By-law shall be entitled the "**Property Standards By-law**".

2. **DEFINITIONS**

2.1 In this by-law,

"Accessory Building" means a detached building or structure, not used for human habitation, the use of which is incidental or subordinate to the lawful use of the property and which is located on the same lot.

"Adequate" means equal or amounting to what is sufficient, fitting, suitable, equal to what is required.

"Balustrade" means a row of balusters or spindles surmounted by a railing.

"Basement" means that portion of a building that has at least one-half of its height from the finished floor to finished ceiling below the average adjacent finished grade.

"Bathroom" means a room containing a bathtub or shower with or without a toilet and wash basin.

"Bedroom" means a habitable room used for sleeping purposes.

"Building" means any structure used or intended for supporting any use or occupancy.

"Building Code" means the Building Code Act, 1992, S.O. 1992, c.23, as amended, and includes the regulations made thereunder.

"Cellar" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from the floor to ceiling, below the average finished grade.

Chief Building Official" means the person Council has appointed as such pursuant to the Building Code.

“City” means the Corporation of the City of Quinte West.

“Committee” means the Property Standards Committee established under the Building Code.

“Council” means the Council of the Corporation of the City of Quinte West.

“Dwelling” means a building, mobile home or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation.

“Dwelling Unit” means a room or a suite of rooms connected together as a separate unit in the same structure and constituting an independent unit capable of supporting general living conditions including cooking, eating, sleeping and sanitary facilities.

“Grade” means the average elevation of the finished surface of the ground around the perimeter of a building excluding localized depressions such as sunken terraces, stairwells and window wells.

“Guard” means a protective barrier, with or without openings through it, that is 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.

“Habitable Room” means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.

“Handrail” means the railing along the edge of stairs;

“Maintenance” means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve property.

“Multiple Dwelling” means a building lawfully containing three or more dwelling units.

“Multiple Use Building” means a building lawfully containing both a dwelling unit and a non-residential use.

“Non-Habitable Space” means any room or space in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, pantry, lobby, corridor, stairway, closet, storage room, cellar, furnace room, garage, or space for service and maintenance, or space which does not comply with the minimum standards for residential occupancy.

“Non-Residential Property” means a building or structure not occupied nor capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

“Occupant” means any person or persons who appear to be in possession of the property.

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

“Person” includes an individual, firm, corporation, association, trust, bureau or partnership.

“Property” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.

“Property Standards Officer” means a person designated as such by a resolution or by-law of Council.

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

“Residential Property” means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.

“Sewage” means liquid or water borne waste of industrial, commercial or domestic origin, including human body waste, toilet or bathroom waste, shower, tub, culinary, sink or laundry waste, but does not include storm water.

“Sewage System” means the municipal sewer system if one is available, and if not, an approved private sewage disposal system as defined in the Building Code.

“Standards” means the standards of physical condition and of occupancy prescribed for property by this by-law.

“Storm Water” means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.

“Toilet Room” means a room containing a toilet.

“Unsafe Condition” means a condition that poses or constitutes a fire hazard or risk to life, limb or health of any person.

“Yard” means the land other than publicly owned land around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable or being used in connection with said property.

3. GENERAL STANDARDS FOR ALL PROPERTIES

- 3.1 General Standards set out in Section 3, the following regulations, shall apply to all properties within the City.
- 3.2 All work, repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned and shall conform to all other by-laws of the City, codes and statutes applicable.
- 3.3 Every owner of a property shall maintain their property and every part thereof, in a clean, sanitary and safe condition.

Accessory Buildings and Structures

- 3.4 Accessory buildings and structures shall be kept in good repair and free from health, fire and accident hazards.
- 3.5 The exterior of any accessory building shall be weather resistant through the use of proper weather resistant material.

- 3.6 Where an accessory building may harbour an infestation of insects or rodents all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.

Appliances

- 3.7 All appliances, equipment, accessories and installations provided by the owner shall be installed and maintained in good repair and working order and used for their intended purposes.

Doors and Windows

- 3.8 All exterior openings of buildings shall be fitted with doors or windows or other suitable means to prevent the entrance of wind or rain into the building.
- 3.9 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair.
- 3.10 Rotted or damaged door, door frames, window frames, sashes and casings, weather-stripping, broken glass and defective door and window hardware shall be repaired and/or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.

Electrical Service

- 3.11 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- 3.12 The electrical wiring, fixtures, switches, receptacles and appliances located or used in a building shall be installed and maintained in good working order.

Exterior Surfaces

- 3.13 Exterior surfaces of a building and their components, including soffit and fascia shall be maintained in good repair free from cracked, broken or loose masonry units, stucco or other defective cladding or trim. Paint or some other suitable preservative coating shall be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.14 Walls roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 3.15 Exterior walls of a building and their components shall be free of unauthorized signs, graffiti and similar defacements.
- 3.16 Appropriate measures shall be taken to remove any markings, stains or other defacement, occurring on an exposed exterior surface and to restore same, as nearly as possible, to their appearance before the markings, stains or defacement occurred.

Fences and Retaining Walls

- 3.17 Every fence and retaining wall shall be kept:
- a) protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or retaining wall are enhanced by the lack of such material, and;
 - b) in structurally sound condition, and;

- c) free from objectionable markings, painted slogans, stains or other defacement, and;
- d) in good repair and free from accident hazards.

Foundations

- 3.18 Foundation walls of a building shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes shoring of the walls, installing sub-soil drains at the footings, grouting masonry cracks, parging, damp proofing and waterproofing walls and joints and using other suitable means of maintenance.

Guards and Handrails (Interior and Exterior)

- 3.19 A guard shall be installed and maintained in good repair on the open side of any stairways, landings, balconies, porches, mezzanines, galleries, raised walkways or ramps as required by the Building Code.
- 3.20 A handrail shall be installed and maintained in good repair in all stairwells.
- 3.21 Guards, balustrades and handrails shall be constructed and maintained rigid in nature.
- 3.22 Outside guards, balustrades and handrails shall be protected from deterioration by the use of paint or other suitable protective material.

Parking Areas, Walks and Driveways

- 3.23 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair.
- 3.24 Steps, walks, driveways, parking spaces and other similar areas shall be maintained and adequately lighted so as to afford safe passage under normal use and weather conditions.

Pest Prevention

- 3.25 Buildings shall be kept free from rodents, vermin and insects at all times
- 3.26 Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, insects and vermin, shall be screened with durable material that will effectively exclude rodents, insects and vermin.

Roofs

- 3.27 A roof including the fascia board, soffit, cornice and flashing shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow
- 3.28 Where eavestroughing, roof guttering and down piping is provided it shall be kept in good repair and free from obstructions and shall be properly secured to the building.

Stairs, Porches and Balconies (Interior and Exterior)

- 3.29 Stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects that may constitute an unsafe condition.

- 3.30 Existing stairs treads or risers that show excessive wear or are broken, warped or loose and supporting structure members that are rotted or deteriorated shall be replaced.
- 3.31 All outside stairs, porches, balconies, landings, including treads or risers and supporting structure members shall be protected from the elements by paint or other suitable preservative.

Structural Soundness

- 3.32 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load to which it may be subjected through normal use.
- 3.33 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3.34 If the Property Standards Officer deems it necessary for the structural capacity of a building or any part thereof to be proven to meet the minimum standard, it may be required that the owner of the building shall submit, a report prepared, sealed and signed by a professional engineer who is qualified in the field and licenced by the Professional Engineers of Ontario, attesting to the structural capacity and soundness of the building or any part thereof.

Sewage and Drainage

- 3.35 Yards shall be maintained so as to:
- (a) ensure that storm water is drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar;
 - (b) ensure that no roof drainage or sump discharge is discharged onto:
 - (i) sidewalks or stairs;
 - (ii) neighboring property;
 - (iii) any surface within the road allowance.
 - (c) ensure that sewage is discharged into a sewage system.

Walls, Ceilings and Floors

- 3.36 Every wall, ceiling and floor shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects
- 3.37 The floor of every kitchen or area where food or drink is prepared and every bathroom floor shall be maintained so as to be impervious to water and so as to permit cleaning.
- 3.38 All hallways, laundry rooms and common areas shall be maintained in a clean, sanitary condition.

Vacant Buildings

- 3.39 The owner of a vacant building shall board up the building by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a color compatible with the surrounding walls and securely fastened by nails or screws.

- 3.40 Vacant buildings shall have all water, electrical and gas services turned off except for those services that are required for security and maintenance of the property.

4. RESIDENTIAL STANDARDS

- 4.1 In addition to all General Standards set out in Section 3, the following regulations shall apply to all residential properties.
- 4.2 Every owner of a residential property shall:
- (a) maintain every floor, wall, ceiling and fixture, including hallways, entrances, laundry rooms, utility rooms, and other common areas in a clean, sanitary and safe condition.
 - (b) Not allow accumulation or storage of garbage, refuse, appliances or furniture in a means of egress.

Amenities

- 4.3 Amenities, where provided, such as mail boxes and storage facilities shall be properly maintained.

Doors, Windows, and Skylights

- 4.4 Windows, skylights, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free. Maintenance includes painting, replacing damaged doors, door frames and their components, window frames, sashes and casings, replacing non-serviceable hardware, weather-stripping and re-glazing.
- 4.5 In a dwelling unit all windows and skylights intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit without the use of keys or tools.
- 4.6 Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.
- 4.7 All windows and skylights intended to be opened shall be readily operable under normally applied pressure without jamming or binding so as to perform their intended function.
- 4.8 All windows and skylights in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components.
- 4.9 At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- 4.10 Solid Core, hollow metal, or insulated steel doors shall be installed and maintained for the entrances of dwelling units and hallways.

Egress

- 4.11 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit and the dwelling to the outside of the dwelling at street or grade level.
- 4.12 Every required exit for a residential building shall open directly to a street or outer court.

- 4.13 Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of safe, continuous and unobstructed egress.
- 4.14 In the case of a multiple dwelling, whenever there are two means of egress from each apartment, suitably remote from each other, there shall be ready access to at least two means of egress leading to separate independent exits or safe place of rescue.
- 4.15 A required exit shall not pass through an attached garage or built in garage or an enclosed part of another dwelling unit.
- 4.16 Buildings using a fire escape as a secondary means of egress shall keep the escape in good condition, free from obstructions and easily reachable through an operable window or door.

Electrical Services

- 4.17 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 4.18 Elevators intended for use by tenants shall be properly maintained and kept in operation.
- 4.19 In apartment buildings where a voice communication system exists and or where a security locking and release system for the entrance is provided and is controlled from each dwelling unit such systems shall be maintained in good repair.
- 4.20 All electrical services shall conform to and be maintained to the regulations set by statute.

Garbage Disposal

- 4.21 Multiple dwellings that do not have interior garbage rooms shall have maintained and installed a receptacle large enough to contain all garbage and rubbish.
- 4.22 Tenants shall have daily access to garbage receptacles and garbage rooms.

Heating and Heating Systems

- 4.23 Every dwelling unit shall be provided with suitable heating system capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degree Fahrenheit).
- 4.24 Room temperature shall be determined at any point in the room.
- 4.25 No residential unit shall be equipped with portable heating as the primary source of heat
- 4.26 Only heating equipment approved for use by a recognized standards testing authority shall be provided.
- 4.27 The heating system shall be maintained in good working condition so as to be capable of heating the dwelling unit safely to the standard required by the by-law.
- 4.28 All exposed pipes in habitable rooms shall be sufficiently protected so as to prevent a safety hazard.

Kitchens

- 4.29 Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water, storage facilities, counter top work area and space for a stove and refrigerator.
- 4.30 Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 4.31 There should be at least 76 cm (30") clear space above any exposed cooking surface.

Lighting

- 4.32 All public hallways, common rooms, stairs, exit stairwells, porches, and verandas in multiple dwellings shall be lighted at all times so as to provide safe passage.
- 4.33 Every bathroom, kitchen, laundry room, furnace room, basement and non-habitable room or storage area shall be provided with permanent light fixtures.
- 4.34 Light fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid an unsafe condition in normal use.

Plumbing

- 4.35 Every wash basin, bathtub or shower and kitchen sink shall be equipped with an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- 4.36 Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees Fahrenheit).
- 4.37 Every dwelling unit shall be provided with an adequate supply of potable running water.
- 4.38 All plumbing, including every drain, water supply pipes, toilets and other plumbing fixtures and every connecting line to the sewage system shall be maintained in good condition free of leaks or defects and all water pipes and appurtenances shall be kept from freezing.
- 4.39 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 4.40 All plumbing fixtures and piping shall conform to all Federal and Provincial legislation.

Toilet and Bathroom Facilities

- 4.41 Every dwelling unit shall contain toilet and bathroom plumbing fixtures consisting of at least one toilet, one wash basin and one bathtub or shower.
- 4.42 Where bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the facilities.
- 4.43 All bathrooms and toilet rooms shall be fully enclosed.
- 4.44 The wash basin shall be located in the same room as the toilet, or in an immediately adjoining room.

Ventilation

- 4.45 All systems for mechanical ventilation shall be maintained in good working order.
- 4.46 All enclosed area including basements, crawl spaces and attics or roof spaces shall be adequately ventilated.
- 4.47 Any openings for natural ventilation shall be protected with insect screen or corrosion-resistant material.
- 4.48 Every bathroom shall have an opening or openings for ventilation providing an unobstructed free-flow area, or an equivalent such as an electric fan and a duct which shall terminate outside, shall be provided, installed and maintained.

Walls, Ceilings and Floors

- 4.49 Every floor, wall and ceiling in a dwelling shall be maintained in a clean, sanitary condition.
- 4.50 Every floor in a dwelling shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards, and cracks or other materials that may cause an unsafe condition.
- 4.51 Where necessary walls shall have trim that shall be maintained in good repair and tight fitting.
- 4.52 All bathroom walls surrounding bathtubs and showers shall be impervious to water.

5. NON-RESIDENTIAL PROPERTY STANDARDS

- 5.1 In addition to all General Standards set out in Section 3, the following regulations shall apply to all non-residential properties.

Floors

- 5.2 Every floor shall be smooth and level, unless otherwise designed, and maintained so as to be free of cracks, holes and protrusions on concrete floors, also free of all loose, warped, protruding broken or rotted board that might cause an accident or allow dirt to accumulate.
- 5.3 All defective floor boards shall be replaced and where covered with floor covering that has become worn or torn, the floor covering shall be repaired, replaced or removed.

Garbage Disposal

- 5.4 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, and trade waste.
- 5.5 Receptacles shall be covered at all times and shall be located in the rear yard, when space can accommodate them, or otherwise in a side yard, but in any event, these receptacles shall not be located in a front yard.

Plumbing

- 5.6 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.7 All waste pipes shall be connected to the sewage system through water seal traps.

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 This by-law shall apply to all property within the limits of the City.
- 6.2 The imperial measurements contained in this By-law are given for reference only.

Officers

- 6.3 The Council of the Municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.
- 6.4 A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act so as to provide for:
- (a) repair of the property; or
 - (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of the work does not exceed an estimate of \$50,000.
- 6.5 Where the cost of doing the work exceeds \$50,000 the Property Standards Officer shall seek authorization from Council to carry out the requirements of the order.
- 6.6 Upon completion of the work, the City shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real taxes and may be added by the Clerk of the City to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

Property Standards Committee

- 6.7 For the purposes of this by-law, there is hereby established a Property Standards Committee that shall be composed of not fewer than three members appointed by By-law to hear appeals to this by-law for a term of office concurrent with Council.
- 6.8 The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee.
- 6.9 The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair
- 6.10 A majority of the members constitutes a quorum for transacting the committee's business.
- 6.11 The members shall provide for a secretary for the committee.
- 6.12 Every person who initiates an appeal of an Order made under section 15.2(2) of the Ontario Building Code Act, S.O. 1992 c.23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non refundable payment as set out under Schedule C of the City of Quinte West Consolidated Fees By-law.
- 6.13 When a hearing date before the Committee has been requested and fixed and the appellant has been given notice and does not attend at the time and place and on the time appointed for the hearing, the Order shall be deemed to be confirmed as of the date of the hearing.

- 6.14 At any hearing called to consider an appeal of an Order the appellant shall be accorded rights pursuant to the Statutory Powers Procedure Act, R.S.O. 1990 c.S.22, including the right to appear and speak to the matter.
- 6.15 The Ontario Building Code Act, S.O. 1992 c.23 provided that on an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement;
- a) Confirm, modify or rescind the order to demolish or repair.
 - b) Extend the time for complying with the order.

7. CERTIFICATE OF COMPLIANCE

- 7.1 Following the inspection of the property, the Property Standards Officer may, or upon the request of the owner, shall issue to the owner a certificate of compliance if, in the Property Standards Officer's opinion, the property is in compliance with the standards set out in this by-law. Fees required for issuance of a certificate of compliance are set out in Schedule C of the City of Quinte West Consolidated Fees By-law.

8. COMPLIANCE

- 8.1 All owners or occupants of property shall comply with the standards prescribed in this by-law and any Property Standards Order as confirmed or modified.
- 8.2 All property within the municipality that does not conform with the standards contained in this by-law shall be repaired and maintained to conform with the standards or that the site be cleared of all building, structures, debris or refuse and left in a graded and leveled condition.
- 8.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Property Standards Officer, and in good and workmanlike manner for the trades concerned.
- 8.4 All new construction or repairs shall conform to the Building Code and any other applicable legislation.

9. OFFENCE AND PENALTY

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 9.2 An owner who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is subject to a penalty or penalties as provided by the Ontario Building Code Act, S.O. 1992, c.23.

10. VALIDITY AND SEVERABILITY

- 10.1 If a court of competent jurisdiction should declare any provision or part of a provision of this by-law to be invalid, or to be of no force and effect it is the intention of the Council in enacting this by-law that each and every other provisions of this by-law be applied and enforced in accordance with its terms to the extent possible according to the law.
- 10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

11. REPEAL AND TRANSITION

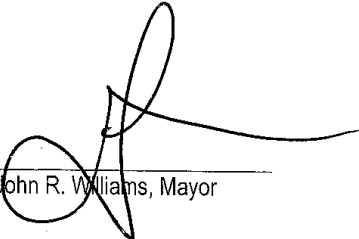
11.1 Except as provided by section 11.2 hereof, By-law 05-94 is hereby repealed in its entirety.

11.2 Notwithstanding section 11.1 hereof, the provisions of the by-law, as amended, referenced in section 11.1 shall continue to apply to any properties in respect of which an Order has been given under the said by-law until such Order has been completed or any enforcement proceeding in respect of such an Order has been concluded.

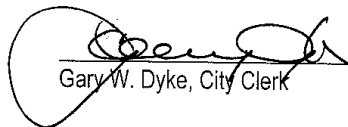
12. COMMENCEMENT

12.1 This By-law takes effect and comes into force upon final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY
PASSED THIS 27th DAY OF JULY, 2009.**



John R. Williams, Mayor



Gary W. Dyke, City Clerk