

PROPERTY MAINTENANCE

Chapter 465 PROPERTY STANDARDS MAINTENANCE - OCCUPANCY

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**Article 1
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465.1.1 Citation

This Chapter may be cited as the "Property Standards By-law."

**Article 2
INTERPRETATION**

465.2.1 Act - defined

"Act" means an enactment or statute of the Province of Ontario.

465.2.2 Apartment building - defined

"apartment building" means a building containing five or more dwelling units.

465.2.3 Appropriate authority having jurisdiction - defined

"appropriate authority having jurisdiction" means:

- (a) with regard to health matters, the Medical Officer of Health;
- (b) with regard to building matters, Chief Building Official;
- (c) with regard to fire safety matters, the Chief Fire Official.

465.2.4 Authority having jurisdiction - defined

"authority having jurisdiction" means the Council of The Corporation of the City of Brantford.

465.2.5 Authorized capacity - defined

"authorized capacity" means the numbers of persons permitted to occupy any premises as determined by the standards contained in any Act or by-law.

465.2.6 Bathroom - defined

"bathroom" means a room containing a bath tub or shower, with or without a water closet and hand basin.

465.2.7 Boarder - defined

"boarder" means a person who is provided with meals, or room and meals, regularly in a boarding, lodging or rooming house in return for

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compensation.

465.2.8 By-law - defined

“by-law” means the property standards by-law:

- (a) prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and
- (b) requiring property that does not conform with the standards to be repaired and maintained to conform to the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

465.2.9 Chief Fire Official - defined

“Chief Fire Official” means the person duly appointed as Chief Fire Official for The Corporation of the City of Brantford.

465.2.10 Chief Official - defined

“Chief Official” means the Chief Building Official duly appointed by the Council of the City of Brantford and having jurisdiction for the enforcement of the *Building Code Act, 1992*.

465.2.11 Clerk - defined

“Clerk” means the person duly appointed as Clerk for The Corporation of the City of Brantford.

465.2.12 Code - defined

“code” means a regulation of the Province of Ontario known:

- (a) with respect to matters relating to building, as the Building Code;
- (b) with respect to matters relating to electricity, as the Electrical Safety Code;
- (c) with respect to matters relating to fire, as the Fire Code.

465.2.13 Corporation - defined

“Corporation” means The Corporation of the City of Brantford.

465.2.14 Council - defined

“Council” means the elected Council of The Corporation of the City of Brantford.

465.2.15 Dwelling - defined

“dwelling” means a building or part thereof, used or designed to be used as a residence and containing one or more dwelling units.

465.2.16 Fence - defined

“fence” means any structure, retaining wall, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress or egress from

property, providing security or protection to property or acting as a visual or acoustic screen.

465.2.17 Furnace - defined

“furnace” means a space heating appliance using warm air as the heating medium and usually having provision for the attachment of ducts.

465.2.18 Ground cover - defined

“ground cover” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other material or plants.

465.2.19 Habitable room - defined

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

465.2.20 Herein - defined

“herein” means in this Chapter and shall not be limited to any particular Section of this Chapter. By-law 102-2003, 20 May, 2003.

465.2.21 Heritage attribute - defined

“Heritage attribute” means in relation to real property, and to the buildings and structures on real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- i. In a by-law designating a property passed under section 29, Part IV of the *Ontario Heritage Act* and identified as a heritage attribute, reason for designation or otherwise;
- ii. In a Minister’s order made under section 34.5, Part IV of the *Ontario Heritage Act* and identified as a heritage attribute or otherwise;
- iii. In a by-law designating a heritage conservation district passed under section 41, Part V of the *Ontario Heritage Act* and identified as a heritage attribute or otherwise; or
- iv. 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 a heritage attribute or otherwise. By-law 115-2018, July 24, 2018

465.2.22 Heritage property – defined

“Heritage property” means real property including all buildings and structures thereon that have been designated by by-law as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act or located in a Heritage Conservation District and designated under Part V of the Ontario Heritage Act. By-law 115-2018, July 24, 2018

465.2.23 Inoperative motor vehicle - defined

“inoperative motor vehicle” means a vehicle having missing body- work,

components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function. By-law 197-2005, 30 November, 2005.

465.2.24 Inspector - defined

“Inspector” means an inspector duly appointed under the *Building Code Act, 1992*, by the Council.

465.2.25 Kitchen - defined

“kitchen” means a room or part of a property appropriated to cooking and preparing foods for human consumption.

465.2.26 Means of egress - defined

“means of egress” means a continuous path of travel provided for the escape of persons from any point in a building or contained open space 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. Means of egress includes exits and access to exits.

465.2.27 Medical Officer of Health - defined

“Medical Officer of Health” means the person duly appointed as the Medical Officer of Health by the Brant County District Health Unit. By-law 102-2003, 20 May, 2003.

465.2.28 Motor vehicle - defined

“motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act*, as amended. By-law 197-2005, 30 November, 2005.

465.2.29 Municipal Heritage Inspector – defined

“Municipal Heritage Inspector” means an individual who has been appointed by By-law by the Council and who shall be responsible for accompanying a Property Standards Officer for the purposes of inspecting designated heritage properties and commenting on a property’s identified heritage attribute(s). By-law 115-2018, July 24, 2018

465.2.30 Municipality - defined

“municipality” means The Corporation of the City of Brantford.

465.2.31 Non-habitable room - defined

“non-habitable room” means any room in a dwelling or dwelling unit other than a habitable room and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, unfinished basement, boiler room, or other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between storeys.

465.2.32 Nuisance Lighting – defined

“nuisance lighting” means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of the

property, so as to interfere with the comfortable enjoyment of life or property. By-law 119-2023, 27, June 2023

465.2.33 Officer - defined

“officer” means a Property Standards Officer who has been appointed by by-law by the Council and who shall be responsible for administering and enforcing the provisions of this Chapter.

465.2.34 Order - defined

“order” means a direction issued pursuant to this Chapter and requiring compliance with the standards prescribed by this Chapter, and “orders” shall have a corresponding meaning.

465.2.35 Person - defined

“person” means and includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.

465.2.36 Plumbing Inspector - defined

“Plumbing Inspector” means an inspector duly appointed under the *Building Code Act, 1992* by the Council.

465.2.37 Premises - defined

premises" means any land or land and building.

465.2.38 Resident - defined

“resident” means a person, other than a keeper, or an employee of a keeper, who resides in a boarding, lodging or rooming house.

465.2.39 Roomer or lodger or boarder - defined

“roomer, lodger, boarder” means a person who is provided with a room or lodging without meals in a lodging house in return for rent.

465.2.40 Safe condition - defined

“safe condition” means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition. By-law 102-2003, 20 May, 2003.

465.2.41 Salvage yard - defined

“salvage yard” shall mean a lot and a building, or structure, or portion thereof, used for the storage yard of a dealer in obsolete, discarded, or salvaged materials, including motor vehicles, building supplies, and industrial equipment, and the sale thereof, and may include facilities for the administration and management of the business and for the storage and maintenance of equipment used in the business. By-law 3-2012, 23 January, 2012.

465.2.42 Shielded - defined

“shielded” means a device that when installed and maintained prevents the light source from shining directly into a Dwelling. By-law 119-2023, 27, June

465.2.43 Sign - defined

“sign” means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service commodity or use.

465.2.44 Standards - defined

“standards” means the standards set out in Articles 4 through 27 inclusive.

465.2.45 Toilet room - defined

“toilet room” means a room containing a water closet and a hand basin. By-law 102-2003, 20 May, 2003.

465.2.46 Trailer - defined

“trailer” means a trailer as defined in the Highway Traffic Act, as amended.

465.2.47 Unlicensed motor vehicle - defined

“unlicensed motor vehicle” means the lack of a currently validated permit for the motor vehicle and number plates displayed on the vehicle within the meaning of the Highway Traffic Act, as amended. By-law 197-2005, 30 November, 2005.

465.2.48 Unsafe condition - defined

“unsafe condition” means a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally unsound condition.

465.2.49 Wiring - defined

“wiring” means the installation of any wiring in or upon any land, building, or premises from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from any other source of supply, to the point or points where such power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment and any part of the wiring aforesaid and shall also include the maintenance, alteration, extension and repair of such wiring.

**Article 3
MAINTENANCE STANDARDS**

465.3.1 Maintenance - occupancy

The standards for maintenance and occupancy of property set forth in Articles 4 through 27 inclusive are hereby prescribed and adopted as the minimum standards for all property in the City of Brantford.

465.3.2 Repair - maintenance - exception - demolition permit

All owners of property shall repair and maintain such property to comply with the standards prescribed by this Chapter, except where a

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demolition permit has been issued and remains in effect.

465.3.3 Occupation of property - prohibition

No person shall occupy any property if there are conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

**Article 4
EXTERIOR PROPERTY AREAS**

465.4.1 Maintained - neat - tidy

Exterior property areas shall be maintained in a neat and tidy condition so as not to detract from the neighbouring environment or present a hazard to any person. By-law 102-2003, 20 May, 2003.

465.4.2 Maintained - neat and tidy - defined

Every yard, including vacant lots shall be kept clean and free from:

- (a) rubbish, garbage, brush, waste, litter and debris;
- (b) injurious insects, termites, rodents, vermin and other pests;
- (c) long grass, brush, undergrowth, noxious weeds and excessive growth of other weeds, as defined by the *Weed Control Act*;
- (d) ground cover, hedges and brushes which are unreasonably overgrown in relation to the neighbouring environment;
- (e) dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which create an unsafe condition;
- (f) wrecked, dismantled, inoperative or unlicensed motor vehicles or trailers, except those in an establishment which is licensed or authorized to conduct or operate a wrecking business and then only if the vehicles or trailers are kept in a manner to avoid an unsafe or unsightly condition;
- (g) dilapidated or collapsed structures or erections, and includes the filling or protecting of any unprotected well or excavation. By-law 102-2003, 20 May, 2003; By-law 197-2005, 30 November, 2005; By-law 3-2012, 23 January, 2012.

465.4.3 Property - storage - materials - no immediate use

No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area. By-law 102-2003, 26 May, 2003.

465.4.4 Driveways - parking - walkways - maintained - safe

All areas used for vehicular traffic and parking shall have a stable surface covering of asphalt, concrete, or compacted stone or gravel

or other hard surfaced material, or a combination thereof and shall be kept in good repair free of dirt and litter and shall be treated to prevent the raising of dust or loose particles. Steps, walks, driveways, parking spaces and other similar areas shall be maintained in a safe condition, so as to afford safe passage under normal use and weather conditions day or night. By-law 133-2005, 22 August, 2005.

465.4.5 Lighting fixtures - maintained - good repair

Lighting fixtures and their supports shall be installed and maintained in a safe and structurally sound condition and in good repair, and further, lighting fixtures shall be maintained in good working order so as to provide light in accordance with the Ontario Building Code, as amended from time to time, to ensure safe pedestrian and vehicle passage.

465.4.6 Exterior Lighting

Any lights used to illuminate yards or parking areas shall be arranged or shielded to deflect light away from abutting properties and or the public right of way. A barrier or deflector shall be provided to prevent lighting from shining directly into an adjacent dwelling unit to avoid being nuisance lighting.

Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- A. A barrier or deflectors to prevent lighting and motorized and non-motorized vehicle headlights from shining directly into a dwelling unit. By-law 119-2023, 27, June 2023

465.4.7 Swimming pools

All swimming pools, hot tubs, wading pools and artificial ponds, including all accessories or appurtenances thereto shall be:

- (a) maintained in good repair, free from leaks and safe from health and safety hazards; and
- (b) drained and removed or filled in and the property left in a graded and levelled condition if they are abandoned, derelict or otherwise unused for the purpose for which it was originally designed. By-law 3-2012, 23 January, 2012.

Article 5 REFUSE - DISPOSAL

465.5.1 Installed - maintained

All refuse disposal facilities shall be designed, installed and maintained as required by the Building Code and any applicable municipal by-law.

465.5.2 Receptacles - refuse disposal

Every building, dwelling, and dwelling unit shall be provided with a
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sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover and shall be maintained in a clean and odour free condition at all times. All garbage, refuse and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable. Garbage storage areas shall be screened from public view. By-law 102-2003, 26 May, 2003.

465.5.3 Containers - screened - from view - rodents

Where commercial, industrial or multi-residential on site garbage containers are visible from a residential property or from a public street, the area where the receptacles are being stored shall be satisfactorily screened from view and shall be covered at all times so that any material contained therein shall not be exposed to view or to rodents, vermin, insects and other pests.

465.5.4 Garbage chutes

Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and repair. By-law 3-2012, 23 January, 2012.

Article 6 FENCES

465.6.1 Fences - maintained - good repair - safe - plumb

A fence erected on a property or separating adjoining properties shall be maintained:

- (a) in good repair;
- (b) in a safe and structurally sound condition;
- (c) reasonably plumb, unless specifically designed to be other than vertical; and
- (d) without visible deterioration. By-law 102-2003, 26 May, 2003; By-law 19-2013, 19 February, 2013.

465.6.2 Fences - salvage yard - requirements

Every salvage yard shall be enclosed by a fence, constructed of a material approved by the Chief Building Official, which acts as a satisfactory visual barrier so as to adequately enclose a salvage yard. By-law 3-2012, 23 January, 2012.

Article 7 SIGNS

465.7.1 Maintained - conforming - good repair - safe

A sign and any structure connected therewith shall be installed and maintained:

- (a) in conformance with the requirements of any Act or by-law;
- (b) in good repair; and
- (c) in a safe and structurally sound condition.

465.7.2 Removal - storage - unused

An unused or discarded sign shall be removed from the property or shall be stored within a building.

**Article 8
RETAINING WALLS**

465.8.1 Maintained - good repair - safe

A retaining wall shall be maintained in good repair and in a safe and structurally sound condition.

465.8.2 Maintenance - repair - methods

Without restricting the generality of Section 465.8.2 such maintenance includes:

- (a) redesigning, repairing or replacing all deteriorated, damaged, misaligned or missing portions of the wall and any railings or guards appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the wall; and
- (c) grouting masonry cracks.

**Article 9
GANTRIES - TOWERS - MASTS - ANTENNAE**

465.9.1 Maintained - good repair - safe - plumb

Gantries, towers, masts, antennae and structures of similar character shall be maintained:

- (a) reasonably plumb, unless specifically designed to be other than vertical;
- (b) in good repair; and
- (c) in a safe and structurally sound condition.

**Article 10
STRUCTURAL CAPACITY**

465.10.1 Building - structurally sound

A building, or any part thereof, shall be capable of sustaining its own weight together with the loads that may be applied thereto by reason of its use and occupancy, natural causes such as snow, and wind and all other causes set out in the *Building Code Act, 1992*.

465.10.2 Standards - safety - soil capacity - maximum

The factor of safety specified in the *Building Code Act, 1992* is the minimum standard which is to be met without exceeding soil capacity and the maximum differential or other settlement specified in the

465.10.3 Structural integrity

Where, in the opinion of the Property Standards Officer, there is doubt as to the structural integrity or condition of a building or structure or part thereof, the officer may order that a building or structure or part thereof be examined by a professional engineer who is qualified to perform such inspections and licenced to practice as an engineer in Ontario, at the owner's sole expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the officer.

465.10.4 Remedial work - professional engineer - requirement

Where remedial work is recommended by the professional engineer, all such remedial work will be undertaken by the owner, at the owner's sole expense, in consultation with the professional engineer.

465.10.5 Report - professional engineer - requirement

Upon completion of the required work outlined in the report of the professional engineer, a further report be prepared certifying that all required work has been completed and is in accordance with all applicable legislation. By-law 3-2012, 23 January, 2012.

**Article 11
UNSAFE CONDITIONS**

465.11.1 Provisions - relevant - applicable law

The relevant provisions of any applicable Act or by-law shall be applied to determine whether or not a property or any part thereof is in an unsafe condition.

465.11.2 Unsafe conditions - abated - removed

Unsafe conditions in a building or on a property shall be abated or removed. By-law 102-2003, 26 May, 2003.

465.11.3 Unsafe conditions - abatement - removal - methods

Without limiting the generality of Section 465.11.2, abatement or removal of an unsafe condition may include:

- (a) the maintenance or repair of exit and emergency lighting;
- (b) the removal of garbage and refuse;
- (c) the removal or extermination of pests such as rodents, vermin and injurious insects, but not limited to, termites, cockroaches and bedbugs; and
- (d) the elimination of any conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in the building or on or about the property. By-law 102-2003, 26 May, 2003; By-law 3-2012, 23 January, 2012.

465.11.4 Unenclosed areas - kept clean

Every unenclosed porch, balcony or carport shall be kept free and clear of excessive accumulations of garbage, refuse, waste, domestic waste, industrial waste or appliances. By-law 3-2012, 23 January, 2012.

**Article 12
FOUNDATIONS - WALLS - COLUMNS - BEAMS - OTHER
STRUCTURAL MEMBERS**

465.12.1 Maintained - good repair - safe - structurally sound

The foundations, walls, columns, beams and other structural members of a building shall be maintained in good repair and in a safe and structurally sound condition.

465.12.2 Maintenance - repair - methods

Without restricting the generality of Section 465.12.1, such maintenance includes:

- (a) repairing or replacing decayed, damaged, weakened or missing foundations, walls, columns and beams together with any components, claddings, finishes and trims forming a part thereof;
- (b) extending the foundation walls below grade or regrading to provide adequate frost cover;
- (c) shoring, jacking up or underpinning foundations where necessary;
- (d) repairing or replacing decayed, damaged, weakened or missing sills, piers, posts or other supports;
- (e) treating piers, posts or other wooden supports which are repaired or replaced at or in the ground, with appropriate insecticide; and
- (f) grouting, caulking or waterproofing of cracks and joints in foundations and walls.

**Article 13
DOORS - WINDOWS - SHUTTERS - HATCHWAYS**

465.13.1 Maintained - good repair - safe - weathertight

The doors, windows, including storm and screen windows, shutters, hatchways, and other exterior openings in a building shall be maintained in good working order and good repair, in a safe condition and, except for screen windows, reasonably weathertight and draft free

465.13.2 Maintenance - repair - methods

Without restricting the generality of Section 465.13.1 such maintenance includes:

- (a) repairing, refitting or replacing decayed, damaged, defective or missing doors, windows, frames, sashes, casing, shutters, hatchways or screens;

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- (b) repair of broken windows through:
 - i. reglazing, or refitting with panes of transparent glass; or
 - ii. the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other materials are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible from the exterior of the building.
- (c) replacing defective, damaged or missing hardware and locking devices; and
- (d) weather stripping and caulking of doors and windows.

465.13.3 Ventilation - exterior opening - standards

When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with:

- (a) wire mesh screening, metal grills, or other equivalent durable material; or
- (b) other protection so as to effectively prevent the entry of rodents, vermin, insects or weather.

Article 14

**STAIRS - FLOORS - LANDINGS - VERANDAHS - PORCHES
DECKS - LOADING DOCKS - BALCONIES**

465.14.1 Maintained - good repair - safe - structurally sound

Every stair, floor, landing, verandah, porch, deck, loading dock, balcony together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

465.14.2 Maintenance - repair - methods

Without restricting the generality of Section 465.14.1, such maintenance includes:

- (a) repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose, depressed, protruding or otherwise defective or missing;
- (b) repairing, replacing or supporting structural members that are decayed, damaged, weakened, loose or missing; and
- (c) providing, repairing or replacing balustrades, guards and railings.

465.14.3 Vacant - unoccupied building - exception

Stairs, floors, landings, verandahs, porches, decks, loading docks, balconies and every appurtenance attached thereto within the exterior walls of a vacant or unoccupied building are exempt from the provisions of Article 14 provided that Article 25 of this Chapter is complied with.

Article 15
ROOFS - ROOF STRUCTURES

465.15.1 Maintained - good repair - safe - structurally sound

Every roof, including chimneys, stacks, masts, lightning arresters, antennas and other roof structures shall be maintained in good repair and in a safe and structurally sound condition.

465.15.2 Maintenance - repair - methods

Without restricting the generality of Section 465.15.1, such maintenance includes:

- (a) removal of loose, unsecured objects or materials;
- (b) removal of dangerous accumulations of snow or ice; and
- (c) keeping roofs and chimneys weathertight and free from leaks.

Article 16
EXTERIOR SURFACES

465.16.1 Maintained - without visible deterioration

Every exterior surface on a building or any part thereof or appurtenance thereto shall be maintained, without visible deterioration, with a protective coating of paint or equivalent weather resistant material. By-law 102-2003, 26 May, 2003.

Article 17
INTERIOR SURFACES – FINISHES

465.17.1 Maintained - safe - good repair

Interior surfaces including countertops, vanities, cabinets, cupboards, sinks, bathtubs and shower stalls, and further interior finishes of walls and ceilings shall be maintained:

- (a) in a safe condition; and
- (b) in good repair, free from holes, loose boards and broken, torn, damaged, decayed or missing materials.

465.17.2 Mould - cleaned - removed

Any extensive accumulation of mould shall be cleaned and removed by the owner of the building.

465.17.3 Water penetration - related to mould - remedy

Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed by the owner of the property.

465.17.4 Mould report - remediation - requirement

If, in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner

will provide, at the owner's sole expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer. By-law 3-2012, 23 January, 2012

Article 18 ELEVATORS - ELEVATING DEVICES

465.18.1 Installed - maintained - regulations - good repair - safe

Elevators, dumbwaiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:

- (a) in accordance with the requirements of the *Elevating Devices Act*, as amended from time to time, and any regulations made thereunder;
- (b) in good working order and good repair; and
- (c) in a safe condition.

Article 19 VENTILATION SYSTEMS

465.19.1 Maintained - operated - prevention - hazard

Ventilation, as required by the Building Code, shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

465.19.2 Cleaned - installed - maintained - requirements

Ventilation systems shall be cleaned regularly and installed, and maintained:

- (a) in conformance with the requirements of the Building Code;
- (b) in good working condition and good repair; and
- (c) in a safe condition.

Article 20 HEATING - MECHANICAL SYSTEMS

465.20.1 Minimum temperature - health considerations

A heating system shall be provided in all buildings capable of supplying, during normal hours of occupancy, sufficient heat to maintain a minimum air temperature of 21 degrees Celsius or 70 degrees Fahrenheit at all times when heating may be reasonably necessary for the preservation of health.

465.20.2 Space - not normally heated - exception

The heating system and temperature required need not be provided for space not normally heated.

465.20.3 Maintained - operated - compliance - requirements

The heating system and hot water system required and other mechanical systems shall be provided, maintained and operated:

- (a) in accordance with the respective requirements of any applicable Act or by-law;
- (b) in good working order and good repair; and
- (c) in a safe condition.

**Article 21
ELECTRICAL SYSTEMS**

465.21.1 Dwelling - building - connection - wiring - required

Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

465.21.2 Capacity - adequate - compliance - requirements

The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use and intended use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:

- (a) in compliance with the respective requirements of the Electrical Safety Code and Building Code;
- (b) in good working order and good repair; and
- (c) in a safe condition.

**Article 22
DRAINAGE - PLUMBING SYSTEMS**

465.22.1 Installed - maintained - requirements

Drainage and plumbing systems on a property shall be provided, installed and maintained:

- (a) in compliance with the respective requirements of any applicable Act or by-law;
- (b) in good working order and good repair; and
- (c) in a safe condition. By-law 102-2003, 26 May, 2003.

465.22.2 Hot water - maintained - temperature range

An adequate supply of hot water with a temperature range consistent with the provisions of the Ontario Building Code, as amended from time

to time, shall be provided and maintained in all dwelling units. By-law 3-2012, 23 January, 2012.

465.22.3 Eaves troughs - gutters - maintained - requirements

Where water run-off from roof surface is discharged by way of eaves troughs or roof gutters and downpipes, they shall be installed and maintained in good working order and good repair, and in a safe condition.

465.22.4 Downpipes - sump pump lines - prevent - nuisance

Downpipes and sump pump discharge lines shall be designed, provided and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighbouring properties.

**Article 23
RESIDENTIAL OCCUPANCY**

465.23.1 Non-habitable living space - use - prohibited

No person shall use or cause or permit to be used non-habitable living space for the purpose of a habitable room.

465.23.2 Heights or rooms or spaces

For purposes of calculation, reference is to be made to the applicable section of the Building Code.

465.23.3 Use - requirements

No portion of a dwelling shall be used for residential occupancy unless:

- (a) the floors, walls and ceilings within a building and the exterior walls, roofs and any openings therein are watertight and reasonably free from dampness and drafts;
- (b) every habitable room, except a kitchen or bathroom contains one or more windows or skylights that:
 - i. open directly to the outside air; and
 - ii. have a total light transmitting area and openable ventilation area of not less than required by the Building Code;
- (c) all windows and skylights are:
 - i. glazed or fitted with an appropriate transparent material;
 - ii. provided with hardware and locking devices;
 - iii. maintained in good working order and good repair; and
 - iv. if required for ventilating purposes, capable of being easily opened and closed at all times;
- (d) an adequate and safe supply of potable water is provided and maintained at all times;
- (e) toilet, washing and other sanitary facilities are provided and maintained in accordance with the Building and Plumbing Codes.

Article 24 EGRESS

465.24.1 Safe - continuous - unobstructed

Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level.

465.24.2 Multiple storey building - additional means

Except as provided in Section 465.24.3, every dwelling, containing dwelling units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level.

465.24.3 Separate - self-contained means - second – not required

A second means of egress shall not be required from any dwelling unit having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level.

465.24.4 Access - through enclosed areas - prohibited

A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.

Article 25 STRUCTURES - FIRE DAMAGED

465.25.1 Restoration - demolition - alternative

A building or portion thereof, damaged by fire or other causes, shall be restored to its original condition and repaired as may otherwise be required by this Chapter, or the building shall be demolished or the damaged portion removed

465.25.2 Repairs - safe - refinished

Without restricting the generality of Section 465.25.1, such repairs shall include:

- (a) abating any unsafe condition; and
- (b) refinishing so as to be in harmony with adjoining undamaged surfaces.

465.25.3 Doors - windows - vacant building - protection

Despite Section 465.25.1, all doors, windows or other openings in the exterior of a vacant or unoccupied building shall be protected as required by Article 26 of this Chapter.

Article 26 VACANT PROPERTIES

465.26.1 Entry prevented - owner - responsible - protection

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The owner of any vacant or unoccupied building shall protect such building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.

465.26.2 Openings - boarded up

Without restricting the generality of Section 465.26.1, protection may include the boarding up of all openings to the building with:

- (a) tight fitting plywood;
- (b) rigid, composite panels; or
- (c) sheathing boards.

465.26.3 Boarding - maintained - weather-resistant

All materials used for boarding up vacant or unoccupied buildings shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building and reasonably compatible in design with adjoining decorative finishing material. All such boarding shall be installed within the reveal of the exterior cladding and securely fastened to every doorway, window or wall opening that constitutes a means of access or hazard.

465.26.4 Disconnection - unnecessary utilities - 90 days

Where a building remains vacant or unoccupied for a period of more than ninety days, the owner shall ensure that all utilities serving the building, that are not required for the safety or security thereof, are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the property or adjoining premises.

465.26.5 Boarding – removed – doors and windows – restored

Where a building remains vacant or unoccupied for a period of more than one (1) calendar year, the owner shall ensure that all previously installed boarding is removed from all windows and doors and that all windows and doors are repaired or replaced to the standards prescribed in this by-law and the Ontario Building Code, as amended. (By-law 47-2016, 29, March 2016)

**Article 27
DEMOLITION**

465.27.1 Permit - required

No person shall commence, conduct or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof, unless he/she obtains a permit therefor from the Chief Official in compliance with the *Building Code Act, 1992* and posts such permit in a prominent position on the demolition site.

465.27.2 Walls - remaining - safe - sound

The owner of any building or part thereof being demolished shall leave
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any remaining wall or walls (including any former party wall or walls, whether separately or jointly owned) structurally sound, weathertight, in a safe condition and in conformity with the standards in the Building Code.

465.27.3 Site - cleaned - cleared - upon completion

Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations and provided and maintained with a suitable ground cover

**Article 28
WEST NILE VIRUS**

465.28.1 Water - vessel - pool - other container - drainage

In each calendar year between the dates of May 1 to September 30th, all vessels, pools, tires, eaves-troughs, containers, structures, or other goods and materials in which water may accumulate, and which are located on the external areas of any property within the City of Brantford, shall be kept drained of water at all times.

465.28.2 Interpretation

For the purposes of this Article, “vessel, pools, tires, eaves-troughs, containers, structures, or other goods and materials” refers to man-made objects only and does not include natural land forms, natural marshlands, natural watercourses, natural wetlands, natural swamps, natural geologic structures, or other natural occurrences.

465.28.3 Exception

Section 465.28.1 shall not apply to require the drainage of any of the following:

- (a) water on lands owned by The Corporation of the City of Brantford or any of its local Boards, the Grand River Conservation Authority, Her Majesty the Queen in Right of Ontario, or Her Majesty the Queen in Right of Canada;
- (b) water which is continuously circulated by mechanical means;
- (c) water which is chemically treated with an agent to prevent the propagation of mosquitoes;
- (d) water which is covered by screen, net or other covering sufficient to prevent mosquitoes from laying eggs in the water; or
- (e) water which has not been standing for more than forty-eight hours. By-law 102-2003, 26 May, 2003.

**Article 29
HERITAGE PROPERTIES**

465.29.1 General standards – heritage properties

In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a heritage property shall:

- (a) Maintain, preserve, and protect the heritage attributes of the heritage property so as to maintain its heritage character as well as its visual and structural heritage integrity;
- (b) Maintain the heritage property in a manner that will ensure the protection and preservation of its heritage attributes and values.

465.29.2 Heritage attributes – repaired

Where a heritage attribute can be repaired, the heritage attribute shall not be replaced and shall be repaired:

- (a) In such a manner that minimizes damage to the heritage attributes and values and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
- (b) Using the same types of material as the original and in keeping with the design, colour, texture, grain or other distinctive features of the heritage attribute; and
- (c) Where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearances of the original may be used.

465.29.3 Heritage attributes – replaced

Where the heritage attribute cannot be repaired, that 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.

465.29.4 Heritage properties – vacant

Despite any other provision of this By-law or the *Building Code Act*, the owner of a vacant heritage property shall protect the heritage attributes of the property against the risk of fire, storm, neglect, intentional damage, or damage by other causes, by effectively preventing the entrance of elements, unauthorized persons, or the infestation of pests by boarding up and securing any openings to the building of the vacant heritage property. Securing heritage properties shall comply with the following requirements:

- (a) Boarding shall be installed in a manner that minimizes damage to any heritage attribute, is reversible, and minimizes visual impact;
- (b) All boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;

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- (c) On the window openings, boards shall be painted a matte black to resemble window glass;
- (d) On the door openings, boards shall be painted a colour that matches the original door;
- (e) On an opening other than a window or door opening, boards shall be painted or otherwise treated so that the colour matches the colour of the exterior of the building;
- (f) Boarding shall be in good repair;
- (g) An exterior lighting fixture shall be installed and/or maintained in the front porch, verandah, or area adjacent to the front entrance of the building or structure, and must be activated by motion sensors, and shall maintain an average level of illumination of at least 50 lux at ground level; and
- (h) Where a heritage property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the heritage property are connected, as required, in order to provide, maintain, and to monitor property heat and ventilation to prevent damage to the heritage attributes.

465.29.5 Heritage properties – clearing – leveling

Despite any other provision of this By-law, no building or structure located on a Part IV or Part V heritage property may be altered, demolished, removed, or relocated except in accordance with the *Ontario Heritage Act*. By-law 115-2018, July 24, 2018

Article 30 ENFORCEMENT

465.30.1 Enforcement - general

The applicable enforcement provisions of the *Building Code Act, 1992*, are applicable, for any contravention of the provisions of this Chapter. By-law 63-2002, 1 May, 2002.

465.30.2 Non-compliance - cleaned - repaired - owner expense

Where any person fails to comply with an order issued pursuant this Chapter, the municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. By-law 60-2007, 10 April, 2007.

465.30.3 Permits - compliant with standards

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and in accordance with the Ontario Building Code, as amended from time to time, and applicable standards, codes or legislation. It will further be the responsibility of the owner to make application for and be issued any required building permits. All new construction or extensive repairs shall conform to the provisions in the Ontario Building Code, where applicable. By-law 3-2012, 23 January,

**Article 31
SERVICE, USE AND ACTIVITY CHARGES**

465.31.1 Fees - establishment

The owner of any property against which proceedings are brought or action taken under this Chapter shall pay fees in accordance with Schedule 'A' to this Chapter.

465.31.2 Fees - when payable

Fees in respect of orders, appeals of orders and prosecutions shall be paid within thirty days of the date on which the order becomes final or the date on which a conviction is pronounced.

465.31.3 Fees - overdue - added to tax roll - Municipal Act

Overdue fees imposed under this Chapter shall be added to the tax roll of the owner and collected in the same manner and with the same priorities as municipal real property taxes.

**Article 32
ADMINISTRATION**

465.32.1 Conflict - highest standard - prevails

Where a provision of this Chapter conflicts with the provisions of another by-law or Act in force in the City, the provision which establishes the higher standards to protect the health, safety and welfare of the general public shall prevail.

465.32.2 Invalid provisions

If any provision of this Chapter is for any reason found to be invalid by a court of competent jurisdiction, the provision found to be invalid shall be severed from the Chapter and the remaining provisions shall remain in effect. By-law 102-2003, 26 May, 2003.

465.32.3 Property Standards Committee - established

The Council of the City of Brantford appoints the members of the Community Services Commission as the members of the Property Standards Committee, together with existing appointees, to coincide with the term of Council of the City. By-law 102-2003, 26 May 2003; By-law 128-2011, 24 October, 2011.

465.32.4 Chair - appointment

The members of the Committee shall elect a chair from among themselves and, when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair. Any member of the Committee may administer oaths.

465.32.5 Secretary - appointment - duties

The members shall provide for a Secretary for the Committee, who

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 and clause 253 (a) of the *Municipal Act, 2001*, c. 25 applies with necessary modifications to the minutes and records.

465.32.6 Quorum - procedures - hearings

A majority of the members constitutes a quorum for transacting the Committee’s business and the Committee may adopt its own rules of procedure, and the Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

**Article 33
REPEAL**

465.33.1 By-laws - previous

By-laws 110-74, 88-83, 4-90, 143-96, and 153-97 are hereby repealed, save and except that By-laws 110-74, 88-83, 4-90, 143-96 and 153-97 continue in full force and effect with respect to all notices, orders, proceedings and things done on or before the date of enactment of this by-law. By-law 63-2000, 1 May, 2000.

SCHEDULE

Schedule ‘A’ - Service use and activity charges

Service or Activity Fee

Where the order is not entirely quashed on appeal, for each order issued pursuant to this Chapter in respect of any property
\$100

Where the order is not quashed on appeal, for each Property Standards Officer who attends a hearing before the Property Standards Committee or Superior Court of Justice
\$100

Where there has been a conviction registered for a breach of any order, for each Property Standards Officer who attended a hearing in the Ontario Court of justice
\$500

Where the City undertakes to complete the work 100% of the required to comply with any final order, for cost of the all work performed necessary work, plus a further administrative fee of an additional 25%.

Where after inspecting a property, an officer, may, or on the request of the owner, issue the owner a certificate of compliance
\$42.80

By-law 63-2000, 1 May, 2000; Schedule 'A'.