

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE FEBRUARY 19, 2020
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	PROPERTY STANDARDS BY-LAW PROPOSED AMENDMENTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official:

- (a) This report **BE RECEIVED** for information purposes; and
- (b) Civic Administration **BE DIRECTED** to prepare amendments to the Property Standards By-law and hold a Public Participation Meeting before the Community and Protective Services Committee to modernize the regulations and enhance heritage related matters.

BACKGROUND

The Property Standards By-law (By-law) was passed by Council in 1999. The authority for the By-law comes from the Building Code Act. The By-law requires property owners to maintain both interior and exterior conditions including all buildings and structures associated with the property. The intent of the By-law is to provide a level of protection and safety for tenants, occupants and surrounding neighbours by making living conditions suitable.

In February 2019, Civic Administration advised Council that the By-law merits a full review due to changes in the Ontario Building Code and issues raised by MLEOs when inspecting properties as part of the Residential Rental Licence By-law application process. One of the strategies in the City's Strategic Plan is to improve regulatory processes and by-law requirements.

In October 2019, Council directed a review of maintenance regulations related to heritage buildings. (In a separate report, Civic Administration recommends amendments to the Vacant Building By-law.) This report also addresses heritage matters from a property standards perspective.

How is the Property Standards By-law Enforced?

Property Standards By-law occurrences are initiated by the following:

- Tenant or community complaint
- Referral from partner agency
- Proactively as part of rental licence inspection

In 2019, there were approximately 1,300 Property Standards By-law occurrences. Of the 8,300 total occurrences, the Property Standards By-law is the second most active by-law after the Yard and Lot Maintenance By-law.

When a complaint is received from a tenant (usually dealing with the interior condition of the rental unit), the complainant is requested to advise the landlord in writing of the deficiencies inside the rental unit, and provide the landlord reasonable time to resolve the issues. Normally, reasonable time would be two to three weeks. If compliance is not achieved, the complainant is asked to forward a copy of the letter that was submitted to the landlord or agent to the City; where the complaint involves a safety issue, such as electrical or structural, the requirement to have the tenant advise the landlord is not required as per the property standards complaint process. The Ontario Fire Code requires tenants to notify landlords with respect to smoke and carbon monoxide alarms.

When the complaint is made by neighbours, the issue normally involves an exterior infraction such as, the condition of the exterior of the building or other exterior property maintenance issues. For these types of complaints, there is no requirement for the complainant to notify the owner of the subject property. The City responds to these complaints on a priority basis.

Over the past few years, all applications for residential rental licenses require a property standards inspection performed by MLEOs. In the past, property owners submitted self-certification forms confirming compliance with City By-laws. Random inspections concluded that this format was not meeting the principles of the By-law focusing on public safety.

What amendments are proposed to the By-law?

The following amendments are proposed to reflect updated OBC regulations and to reflect observations made during inspections:

- Add definition of Concealed Space Agreement – this amendment would reflect the current practice of registering on title document prohibiting the occupancy of a finished space which does not comply with the By-law (i.e. basement or attic space).
- Add definition of Duct Tape Smoke Interlock Detector – this amendment would provide clarity to Orders addressing HVAC air handling systems. This regulation also has implications for compliance with the Ontario Fire Code where the detectors are related to the fire alarm system.
- Add definition of Unfinished Space/Area – this amendment would clarify exposed ceilings, walls and flooring.
- Amend section 3.1.2, Neat and Tidy Includes – by adding a reference to sink holes and impressions.
- Amend section 3.2.1, Accessory Buildings Maintained – by deleting farm buildings to allow for standards to be applied to farm structures.
- Amend section 3.4.1, Retaining Walls Maintained – by amending the height to reflect the Ontario Building Code (OBC).
- Amend section 3.5.1, Refuse–Collected–Stored – by amending the revised by-law title to Municipal Waste and Resource Materials Collection By-law.
- Amend section 3.5.4, by removing reference to Fire Code – for redundancy purposes.
- Amend section 3.5.6, Temporary Storage-Provided – by adding reference to containing temporary storage.
- Amend section 4.1.2, Doubt-Structural Condition / Engineers Report – by adding clarity to peer review, an engineering report.
- Amend section 4.3.6, Windows-Screens – by amending to revise dates to reflect seasonal changes.
- Amend section 4.5.5, Stairs-Unfinished – Basement Guard – by referencing unfinished space.
- Amend section 4.5.8, Handrail-Provided-Maintained – by amending the height to reflect the Ontario Building Code.
- Amend section 4.5.9.1, Handrail-Both Sides – by amending to clarify application to three or more risers.
- Amend section 4.5.10.1, Stairs-Interior-Single Dwelling – by amending to reflect stairs which curved in various degrees.

- Amend section 4.5.10.2, Stairs-Residential Not Within – by amending to reflect stairs which are curved in various degrees.
- Amend section 4.7.1, Interior Maintained – by amending to reflect maintenance of elevator cages.
- Amend section 4.7.2, Interior-Free-Stairs-Defacement – by amending to address interior walls and ceilings.
- Amend 4.8.5, Headroom-Heights – by amending to reflect service rooms and service spaces which have laundry amenities; addressing unfinished spaces and door frames.
- Amend section 4.8.8, Windows Provided – by amending to reflect natural light.
- Amend 4.8.12, Facilities Maintained – by amending to address multi-unit security devices.
- Amend section 4.10.1, Free of Pests – by amending to add other pests to address issues such as bed bugs.
- Amend section 5.2.3, Portable Heating, Not Used Primary Source – by amending to address multi-unit duct smoke detectors.
- Amend Schedule “A” – Fees – by revising fees.

What amendments are proposed to address heritage related matters?

Amendments to the By-law were made in 2007 to address maintenance issues related to heritage properties. Heritage related amendments pertained to specific minimum provisions to conserve heritage attributes and to address the deterioration of vacant heritage structures.

As part of the review in 2007, a regulation was included requiring vacant heritage buildings to maintain appropriate utilities to heat the structures to prevent damages caused by fluctuating temperatures and humidity. Over the past several years, MLEOs have issued Orders to heat vacant heritage buildings. This provision has been reviewed by several staff with expertise in heritage conservation, structural engineering, and fire prevention. The issue with vacant heritage buildings is that without proper ventilation and heat, moisture from condensation may occur which can cause damage by wetting plaster, peeling paint, staining woodwork, warping floors and in some cases, causing freeze/thaw damage to the interior of the structure. If moist conditions persist, structural damage can result from rot. A review of heritage conservation literature, and municipal by-laws, offer varying opinions and regulations on heating vacant buildings. A “one size fits all” solution is neither practical nor achievable.

Once a vacant building is secured by boarding up windows and doors, there are so many variables that affect the condition of the interior space, including air flow, the condition of the roof, the presence of insulation, and the condition of the utilities. The Fire Prevention office has raised concerns with the introduction of an ignition source to heat a vacant building as the presence of the heat source has the potential of creating an elevated fire risk. Adding a heat source in a vacant building also has the unintended consequence of inviting squatters to heated buildings.

Based on these discussions, an amendment is proposed to the current requirement of heating all vacant heritage buildings.

Section 2.8 – Vacant Buildings on Designated Heritage Properties – the amendment will require the following: Once a vacant heritage building is secured, the building must be individually evaluated by professionals specializing in the area of building science, heritage conservation, fire prevention, and life safety to determine a heating and ventilation installation and maintenance plan in an effort to conserve the heritage attributes of the structure.

This proposed amendment recognizes the uniqueness of each heritage structure and risks related to the vacant building.

How will the Heritage Property Regulations be enforced?

The enforcement of the heritage property provisions in the By-law will be done in the same manner as the other provisions in the By-law. The only additional step in the process will be that the MLEOs, together with the Heritage Planners, will conduct proactive blitzes on heritage designated properties in order to identify property standards violations proactively. Property Standards Orders will be used to enforce the By-law. Where compliance is not achieved, MLEOs will have the discretion to issue Administrative Monetary Penalties (AMPs). A report applying AMPs to non-parking violations will be presented to the Community and Protective Services Committee (CPSC) in March/April 2020.

In a separate report for the February 19, 2020 CPSC, proposed amendments to the Vacant Building By-law are presented, which will be enforced together with the Property Standards By-law.

CONCLUSION

One of the strategies in the City’s Strategic Plan is to improve regulatory processes and by-law requirements. The City’s Property Standards By-law has not had a full review since its adoption in 1999. The proposed amendments reflect many of the regulations in the Ontario Building Code as well as observations made by Municipal Law Enforcement Officers in their duties inspecting premises either as the result of a complaint or a licence application. The proposed amendments also focus on enhancing the regulation pertaining to vacant heritage structures. Enforcement of the heritage provisions in the By-law are proposed to be implemented using a proactive blitz format in partnership with the City’s Heritage Planners.

CONCURRED BY:	RECOMMENDED BY:
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