

Bill No. 250
2021

By-law No. CP-____

A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16 being “A by-law prescribing standards for the maintenance and occupancy of property.”

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Official Plan for the City of London includes provisions relating to conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 of the Building Code Act provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards on the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS the offence and penalty provisions for contraventions are as set out in section 36 of the Building Code Act, the Administrative Monetary Penalty System By-law, and the Administrative Penalties provisions in section 15.4.1 of the Building Code Act;

AND WHEREAS section 15.4.1 of the Building Code Act authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under section 15.1, or an order of an officer under ss. 15.2(2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- a) for services and activities provided or done by or on behalf of it; and
- b) any other municipality or any local board;

NOW THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“**Acceptable**” means

- a) accepted by the Chief Building Official of the Municipality with respect to matters under the Building Code;
- b) accepted by the Chief Fire Official of the Municipality with respect to matters under the Fire Code;
- c) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

“**Act**” means the *Building Code Act, 1992*, S.O. 1992, c.23 as amended;

“**Building Code**” means the regulations made under section 34 of the Act;

“**City**” means The Corporation of the City of London;

“**Committee**” means a Property Standards Committee established under this By-law referred to in Section 15.6 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, to hear appeals of Property Standards orders;

“Concealed space agreement” means a document signed by the property owner or authorizing agent in which an agreement is registered on title to prohibit use or occupancy of a finished space that does not comply with the regulations outlined in this By-law;

“Duct type smoke interlock detector” means a device used to detect the presence of smoke in the airstream of ductwork sections of the HVAC air handling systems;

“Exterior property areas” means the property excluding buildings;

“Fence” includes a privacy or other screen;

“Ground cover” means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass or other equivalent landscaping;

“Habitable space” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom;

“Heritage attributes” means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and that is defined or described:

- a) 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;
- b) 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;
- c) 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
- d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes or otherwise.

“Maintained” means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical equipment required so they may properly perform the intended function;

“Part IV Heritage property” means real property, including all buildings and structures thereon, which has been designated by a municipality under section 29 of the *Ontario Heritage Act*, or which has been designated by the Minister under section 34.5 of the *Ontario Heritage Act*;

“Part V Heritage property” means real property, including all buildings and structures thereon, which is located in a heritage conservation district designated under section 41 of the *Ontario Heritage Act*;

“Unfinished Space/Area” means an exposed ceiling, walls and/or incomplete flooring;

“Vacant building” means a building or part of a building that is not used by an owner or is not occupied by an owner;

1.2 Any word or term not defined in this by-law shall have the meaning ascribed to it that is provided for in the Act or the O. Reg. 332/12 of *Building Code Act*, 1992, S.O. 1992, c.3

1.3 Every person shall ensure that their property conforms with the standards prescribed in this by-law.

2. GENERAL DUTY TO REPAIR

2.1 Owners – Shall Repair and Maintain

Owners of property that does not conform to the standards of this By-law, shall repair and maintain the property to conform with the standards of this By-law or to clear it of all buildings, structures, debris or refuse and left in a graded and levelled condition except that no building or structure on a Part IV heritage property or a Part V heritage property

shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.

2.2 Repairs – Manner Acceptable

- a) All repairs to comply with this by-law shall be carried out in a good and workmanlike manner for the trades concerned; and
- b) For the purposes of this section, and without limiting section 2.2, “good and workmanlike manner” includes: carried out with materials suitable and sufficient for that purpose and free from defects; carried out with a degree of efficiency and knowledge possessed by those with a skill set, competency, and standing in a particular trade and in accordance with recognized industry best practices; and where required by law, carried out by a duly qualified and/or licensed person.

2.3 Application – All Property

This By-law applies to all property within the City of London.

2.4 Repairs – Vacant Building – Occupied

All repairs to be carried out inside a vacant building or inside a vacant part thereof shall be carried out before the vacant building or vacant part is used or occupied.

2.5 Repairs Required – Section 15.1 – Act

This By-law is applicable to repairs required under Section 15.1 of the Act, and sections 35.3 and 45.1 of the *Ontario Heritage Act*, but not any other section of the Act, Fire Code or any other provincial act or regulations.

2.6 Dimension – Specified – Officer Accept – Level of Performance

Whenever a dimension, either maximum or minimum is specified, the Officer may accept a dimension that is more or less than the requirement provided it will not reduce the level of performance required by the By-law.

2.7 Standard for Heritage Properties

- a) In section 2.7 only, “maintained” in respect of heritage attributes means maintained, preserved, protected, repaired, reconstructed, refinished, or replaced, in compliance with the *Ontario Heritage Act*. Subject to the requirements in the *Ontario Heritage Act*, maintenance may include using the same types of material as the original exterior heritage fabric of the building or structure, in order to maintain the character and visual integrity of the heritage attributes of the building or structure, in keeping with the design, colour, texture and any other distinctive feature of the original material that is being maintained.
- b) In addition to the minimum standards for the maintenance of property set out in this By-law, all of the heritage attributes of a Part IV heritage property and a Part V heritage property shall be maintained.
- c) For a Part IV heritage property, the owner must comply with the provisions of the *Ontario Heritage Act* if the alteration is likely to affect the property’s heritage attributes, and the owner must apply to Council under the *Ontario Heritage Act* to obtain written consent, or receive the Minister’s consent, as the case may be.
- d) For a Part V heritage property, the owner must comply with the provisions of the *Ontario Heritage Act* and obtain a permit when altering or permitting the alteration of any part of the property, other than the interior of any structure or building on the property, or when erecting, demolishing, or removing any building or structure on the property, or permitting same, unless excepted from such requirement under the *Ontario Heritage Act*.
- e) No building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished, or relocated, except in accordance with the *Ontario Heritage Act*.
- f) No order made under section 15.2 of the *Building Code Act* in respect of a Part IV heritage property, or a Part V heritage property shall state that the site is to be cleared of all buildings or structures and left in a graded and levelled condition. That part of an order in respect of a Part IV heritage property or a Part V heritage

property that states that a site is to be cleared of all buildings or structures and left in a graded and levelled condition is of no force or effect.

2.8 VACANT BUILDINGS ON DESIGNATED HERITAGE PROPERTIES

1. This section applies only to vacant buildings on a Part IV heritage property or a Part V heritage property.
2. Despite section 4.3, in order to minimize the potential of deterioration of a building, where the exterior doors, windows or other openings are missing, broken, improperly fitted, unsecure or in disrepair, or where the property remains vacant for a period of 30 days or more, the property shall be boarded in compliance with the following requirements:
 - a) all boards used in the boarding shall be installed from the exterior and shall be properly fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim remains uncovered and undamaged by the boarding;
 - b) all boards should be at least 12.7mm (0.5 in.) weatherproofed sheet plywood secured with nails or screws at least 50 millimetres (2 inches) in length and be installed at appropriate intervals on centre;
 - c) all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
3. In addition to section 4.6, the exterior of the building shall be maintained to prevent moisture penetration and damage from the elements.
4. In addition to section 5.2, 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.

3. ENVIRONMENT EXTERIOR PROPERTY AREAS

3.1.1 Exterior – Maintained – Neat and Tidy

Exterior property areas shall be maintained in a neat and tidy condition.

3.1.2 Neat and Tidy Includes

Without restricting the generality of subsection 3.1.1, maintained in a neat and tidy condition includes removal of:

- a) rubbish, garbage, brush, waste, litter and debris;
- b) injurious insects, termites, rodents, vermin and other pests;
- c) growth of weeds in excess of 20 cm (8")
- d) ground cover, hedges and bushes which are unreasonably overgrown;
- e) dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe condition;
- f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business;
- g) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is not in keeping with the neighbouring properties;
- h) dilapidated or collapsed structures or erections, and the filling or protecting of any uncovered cavities such as wells, cisterns, septic tanks, sink holes, or impressions.

3.1.3 Drives, Ramps – Surfaced – Marked

Driveways, ramps, parking areas, paths, outside stairs and landings, except for those on properties zoned and used for agricultural purposes, shall be:

- a) surfaced, resurfaced, repaired or regraded to provide a uniform surface for pedestrian or vehicle use;
- b) provided with markings or islands, to indicate parking spaces, ingress and egress routes and snow piling areas;

3.1.4 Exterior – Regraded – Prevent Unstable Soil

Exterior property areas shall be regraded and/or provided with ground cover as appropriate to prevent unstable soil conditions, or erosion.

3.1.5 Lighting – Maintained

Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.

3.1.6 All Conditions – Maintained

All conditions of development and redevelopment including, but not limited to, drainage, ground cover, hedges, trees, landscaping, and recreation equipment shall be maintained. The Officer may accept alternatives provided the intent of the original conditions of approval are maintained.

3.1.7 Furniture – Exterior Use

All furniture used for exterior use that becomes dilapidated shall be disposed of.

3.2 ACCESSORY BUILDINGS

3.2.1 Accessory Buildings – Maintained

Accessory buildings unless they are unsafe shall be maintained.

3.3 FENCES

3.3.1 Fences – Maintained

Fences, except for those on properties zoned and used for agricultural purposes, shall be maintained.

3.4 RETAINING WALLS

3.4.1 Retaining Walls – Maintained

Retaining walls shall be maintained and where a retaining wall in excess of 1 metre (39 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

3.5 REFUSE STORAGE AND DISPOSAL

3.5.1 Refuse – Collected – Stored

All refuse shall be collected, stored, and placed for pick-up and disposal, in accordance with the Municipal Waste & Resource Materials Collection By-law WM-12, or any successor by-law.

3.5.2 Collection – Comply

Without limiting the generality of subsection 3.5.1, the collection, handling, storage, and disposal of refuse shall comply with the following:

- a) it shall facilitate collection and disposal as required by the municipal corporation or private collecting agency, as applicable;
- b) refuse storage facilities within a building shall be readily accessible to all occupants for whom the storage facility is provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto;
- c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
- d) it shall not obstruct an emergency route, recreation facility, parking area, driveway, or walkway; and

- e) where a refuse compactor is provided it shall not be connected to an electrical or other source of power unless provisions are made to prevent unauthorized operation.

3.5.3 Outside – Storage of Refuse

Where refuse is permitted by an owner to be stored for disposal outside the enclosing walls of a building, the storage of refuse by that owner shall:

- a) be kept at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of
- b) the storage or through deterioration, wind, or misuse of the storage facility.
- c) except for single and semi-detached residential buildings be screened if less than 60 m (196 ft) from a public highway, street, walkway, park, or residential property so as not to be visible from such locations; and (c) the required screening in (b) above shall:
- d) extend from grade to a height of 0.3 m (1 ft) above the height of the storage container(s),
- e) consist of a continuous opaque visual barrier when viewed at 90° to the surface,
- f) be maintained in a clean, sanitary and odour-controlled condition.

3.5.4 Refuse – Inside

Where refuse is stored or placed for disposal inside the enclosing walls of a building the storage and placement for disposal shall be large enough to contain all refuse generated between collections by the occupants served.

3.5.5 Refuse Chute System – Maintained

Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if readily accessible to occupants.

3.5.6 Temporary Storage – Provided

Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:

- a) it is removed frequently and in its entirety from the property.
- b) it will not cause risk to the health or safety of any person.
- c) material contained within temporary storage is covered or kept from freely moving.

4. BUILDINGS

4.1 STRUCTURAL

4.1.1 Structural System – Capable

A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.

4.1.2 Doubt – Structural Condition – Engineer’s Report

If, in the opinion of the officer, there is doubt as to the structural condition of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination to be submitted to the officer.

4.1.3 Report Acceptance

The officer may accept the findings in the report pursuant to subsection 4.1.2 as the requirements for compliance with the required repairs provided the officer is satisfied all deficiencies have been identified and appropriately dealt with by the report.

4.2 FOUNDATION, WALLS, COLUMNS, BEAMS, FLOOR AND ROOF SLABS

4.2.1 Foundations, Walls – Maintained

The foundations, walls, columns, beams, floor, and roof slabs of a building including ancillary structures such as parking garages shall be maintained.

4.2.2 Maintenance – Includes

Without restricting the generality of subsection 4.2.1 the maintenance may include:

- a) extension of the wall foundations below grade or regrading to provide adequate frost cover.
- b) installing subsoil drains where such would be beneficial.
- c) repairing or replacing decayed, damaged, or weakened sills, piers, posts or other supports.
- d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight.
- e) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance.
- f) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear; (g) the restoring, or replacing of:
- g) the foundations, walls, columns, beams, floor, and roof slabs; and
- h) components, cladding, finishes, and trims forming a part thereof.
- i) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building.
- j) removing or replacing loose or unsecured objects and materials.

4.3 DOORS, WINDOWS AND SKYLIGHTS

4.3.1 Apertures – Provided – Perform

Apertures on the exterior surface of a building designed for doors, windows or skylights shall be provided with a door, window, or skylight capable of performing the intended function.

4.3.2 Doors, Windows – Maintained

All doors, windows, skylights, and shutters, including storm and screen doors and windows shall be maintained.

4.3.3 Maintenance – Includes

Without restricting the generality of subsection 4.3.2, the maintenance includes:

- a) the refitting, replacing, or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens.
- b) reglazing cracked, broken or missing glass.
- c) replacing or providing defective or missing hardware.
- d) re-screening or weatherstripping where such is defective or missing.
- e) painting or the applying of a similarly effective preservative.

4.3.4 Required Opening – Protected

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

- a) wire mesh screen, metal grille or other equivalent durable material; or
- b) other protection so as to effectively prevent the entry of rodents or vermin.

4.3.5 Door/Window – Latched or Secure

All entrance doors to a dwelling and all opening windows in a dwelling unit shall be provided with the means of being latched or secured from within.

4.3.6 Windows – Screens

All windows that can be or are required to be openable in a dwelling unit shall be provided with screens to effectively prevent the entry of insects, from May 1st to September 30th annually.

4.3.7 Screens – Acceptable

Where compliance with subsection 4.3.6 is not practicable screens shall be installed in an acceptable manner.

4.3.8 Vacant Building – Exception

Nothing in Part 4.3 shall be construed as restricting any door, window, or other opening in the exterior of a vacant building from being protected by preventing entry thereto as required by the City of London's By-law to Regulate Vacant Buildings.

4.4 ROOFS AND ROOF STRUCTURES

4.4.1 Roof/Related Roof Structure – Maintained

Every roof including related roof structures, fascia's, soffits, eavestroughs, roof gutters, downpipes, guards, and lightning arrestors shall be maintained.

4.4.2 Chimneys – Maintained

Chimneys, smoke or vent stacks and other roof structures shall be maintained and free from:

- a) loose bricks and mortar and loose or broken capping.
- b) loose or rusted stanchions, guy wires, braces and attachments or other unsafe conditions.

4.5 FLOORS, STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS AND BALCONIES

4.5.1 Floors, Stairs – Maintained

Every floor, stair, verandah, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained.

4.5.2 Maintenance – Includes

Without restricting the generality of subsection 4.5.1, the maintenance includes: repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions or are broken, torn, warped, loose or otherwise defective;

- a) renewing or strengthening structural members that are rotted, deteriorated or loose;
- b) repainting or the re-applying of other equivalent preservative, if required.

4.5.3 Guard – Provided

A guard with a minimum height of 900 mm (35 inches) shall be provided and maintained along the open sides of balconies, mezzanines, landings, or other areas where the vertical drop exceeds 600 mm (24 inches), except that a guard of 710 mm (28 inches) minimum height is acceptable for exterior porches, decks and balconies where the vertical drop from the open side exceeds 600 mm (24 inches) but does not exceed 1 800 mm (71 inches).

4.5.4 Stairs – Guard Required

Except as provided in subsection 4.5.5, every exterior stair with more than 6 risers and every interior stair with more than 2 risers shall be protected with guards on all open sides having a minimum height of 800 mm (31 inches) measured vertically above a line drawn through the outside edge of the stair nosing except that a guard of 710 mm (28 inches) minimum height is acceptable where the stair serves an exterior porch, deck, balcony or exterior landing with a floor height less than 1 800 mm (71 inches) above finished grade.

4.5.5 Stair – Unfinished Space/Area – Guard

A stair within a dwelling unit serving an unfinished space/area need only have a guard or a wall on one side.

4.5.6 Guard – Openings

Guards for residential occupancies shall have no openings which would permit the passage of a spherical object having a diameter of 100 mm (4 inches) unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard.

4.5.7 Guards – Not to Facilitate Climbing

Guards around exterior balconies, porches, and decks of buildings of residential occupancy shall be constructed not to facilitate climbing.

4.5.8.1 Handrail – Provided – Maintained

A handrail shall be provided and maintained on all stairs having more than three risers. Handrails shall have a maximum uniform height of 965 mm (38 inches) when measured vertically from a line drawn through the outside edge of the stair nosing and minimum uniform height of 800 mm (31").

4.5.8.2 Handrail – Both Sides

A handrail shall be provided on both sides for any stair wider than 1100 mm (3' 7") unless serving a single dwelling unit on all stairs with more than 3 risers.

4.5.8.3 One Handrail – Central

Except as provided in 4.5.9.1, one handrail may be provided centrally for stairs up to 2.4 metres (8') wide on all stairs with more than 3 risers.

4.5.9.1 Stairs – Interior – Single Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed these dimensions:

- a) maximum rise 230 mm (9")
- b) minimum tread 230 mm (9")
- c) minimum run 200 mm (8")
- d) if run is less than 240 mm (9½"), a 25 mm (1") nosing is required
- e) existing winders of not more than 3 in 90 degree and not more than 2 sets between floors are permitted and where each tread is not less than 30 degrees and each tread is not greater than 45 degrees

4.5.9.2 Stairs – Residential – Not within

The stair tread rise and run for residential stairs not within dwelling unit shall not exceed these dimensions:

- a) maximum rise 210 mm (8 1/4")
- b) minimum tread 240 mm (9 1/4")
- c) minimum run 212 mm (8 ½")
- d) if run is less than 240 mm (9 ½"), a 25 mm (1") nosing is required
- e) existing winders of not more than 3 in 90 degree and not more than 2 sets between floors are permitted and where each tread is not less than 30 degrees and each tread are not greater than 45 degrees

4.5.9.3 Stairs – Non-residential

The stair tread rise and run for non-residential stairs shall not exceed these dimensions;

- a) rise minimum 125 mm (5") maximum 200 mm (8")
- b) minimum run of 230 mm (9"), must be uniform
- c) if run is less than 240 mm (9 ½"), a 25 mm (1") nosing is required
- d) existing winders of not more than 3 in 90 degrees and not more than 1 set between floors are permitted and where each tread is not less than 30 degrees and each tread are not greater than 45 degrees.

4.5.9.4 Stairs – Service Rooms – Curved/Spiral

Stairs may exceed the requirements in 4.5.9.1, 4.5.9.2, 4.5.9.3 if serving only service rooms, service spaces and other rooms used in industrial occupancies serving equipment and machinery; or existing curved and spiral stairs in dwelling units.

4.6 EXTERIOR SURFACES

4.6.1 Exterior Surfaces – Maintained

All exterior surfaces on a building shall be maintained.

4.6.2 Remove – Stains – Defacement

Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

4.6.3 Temporary Barricades – Finish Compatible

Exterior surfaces of materials used for the temporary barricading of openings to the interior of a building shall be surfaced with a finish compatible with the surrounding finishes.

4.7 INTERIOR CLADDING AND FINISHES

4.7.1 Interior – Maintained

Interior cladding and finishes of all walls and ceilings including elevator cages shall be maintained.

4.7.2 Interior – Free – Stains, Defacement

Interior cladding and finishes of all walls and ceilings of common areas shall be kept free of stains and other defacement.

4.8 HUMAN HABITATION AND OCCUPANCY STANDARDS

4.8.1 Habitable Space – Human Habitation

Only habitable space shall be used for human habitation.

4.8.2 Dwelling – Use – Human Habitation

No dwelling unit or lodging unit shall be used for human habitation unless:

- a) interior cladding and finishes of walls, ceilings and floors are in accordance with sections 4.5 and 4.7;
- b) doors and windows are in accordance with section 4.3;
- c) a heating system is provided and maintained in accordance with section 5.2;
- d) plumbing and drainage systems are maintained in accordance with section 5.3;
- e) electrical systems are maintained in accordance with section 5.4;
- f) the minimum floor areas are in accordance with subsection 4.8.11 or 4.9.2;
- g) the minimum headroom is in accordance with subsection 4.8.5.

4.8.3 No Owner – Disconnect – Any Service

No owner, nor anyone acting on his behalf, shall cease, disconnect, or caused to be disconnected any service, supply of fuel or utility providing light, heat, refrigeration, water, or cooking facilities for a dwelling unit occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

4.8.4 No Toilet – Located

No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming, or storing food.

4.8.5 Headroom – Heights

The minimum floor to ceiling headroom for habitable space shall:

- a) not be less than 1.95 m (6 ft 5 in) over the floor area and in any location that would normally be used as a means of egress; or
- b) not be less than 1.95 m (6 ft 5 in) over at least 50% of the floor area, provided that any part of the floor having a clear height of less than 1.4 m (4 ft 7 in) shall not be considered in computing the floor area. However, a minimum height of 1.95 m (6 ft 5 in) shall be required for all floor area used as a means of egress.

4.8.5.1 Headroom – Height exceptions

Minimum floor to ceiling headroom for habitable space shall follow provisions in 4.8.5, with the following exceptions:

- a) except as required in section 4.8.5(a), headroom may have a lower requirement if serving only service rooms and service spaces. This includes service rooms and service spaces/areas that have laundry amenities.
- b) not be less than 1800 mm (5' 11") over stairs and landing. This also includes unfinished spaces/areas with laundry amenities.
- c) except as required in section 4.8.5(a), headroom may have a height of 1.92m (6'3") only where a door frame is located under a structural load bearing element.

4.8.6 Ventilation – Provided – Maintained

Every habitable room except for a living room and a dining room shall be provided and maintained with natural ventilation which shall:

- a) consist of an opening or openings with a minimum aggregate unobstructed free flow area of 0.278 m² (3 sq ft), and
- b) be located in the exterior walls or through openable parts of skylights, or
- c) mechanical ventilation which shall change the air once each hour;
- d) every washroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 0.092 m² (1 sq ft);
- e) an opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling;
- f) every enclosed attic or roof space shall be vented by openings to the exterior to provide at least 0.092 m² (1 sq ft) of unobstructed vent area for every 27.9 m² (300 sq ft) of attic or roof space;
- g) the vents required by clause (c) may be roof, eave or gable-end type or any combination thereof;
- h) a crawl space or non-habitable basement space shall be adequately ventilated to the exterior by natural or mechanical means;
- i) in residential buildings with multiple dwelling units, every laundry room, garbage disposal room, boiler room, storage garage, public corridors and other similar public rooms or spaces of the building shall be adequately ventilated.

4.8.7 Occupancy – Maximum

The maximum number of residents in a dwelling unit or lodging house shall not exceed one (1) person per 9.3 m² (100 ft²) of habitable floor space.

4.8.8 Windows – Provided

Living rooms, dining rooms and bedrooms shall be provided with one or more windows and/or skylights that have a total natural light transmitting area of 5% of the floor area in the case of living and dining rooms and 2.5% of the floor area in the case of bedrooms.

4.8.9 Cooking Facilities – Equipped

Each dwelling unit shall have cooking facilities:

- a) equipped with a sink that:
 - (i) is provided with potable hot and cold water; and
 - (ii) is maintained;
- b) equipped with electrical or other service, fuel or utility outlets suitable for refrigerator and cooking stove; and
- c) equipped with an impervious splash back and countertop around the kitchen sink; and
- d) when equipped with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.

4.8.10 Enclosed Sanitary Facilities – One Containing

Each dwelling unit shall have enclosed sanitary facilities with at least one containing:

- a) toilet;
- b) wash basin;
- c) bathtub or shower;
- d) water resistant floor;
- e) water resistant wall around the bathtub or shower; and
- f) a door in the enclosure that can be secured from the inside and can be opened from the outside in an emergency.

4.8.11 Minimum – Area – Dwellings

The minimum floor areas for a dwelling unit shall be as follows:

- a) living areas within dwelling units, either as separate rooms or in combination with other spaces, shall have an area not less than 13.5 m² (145 ft²).
- b) where the area of a living space is combined with a kitchen and dining area, the living area alone in a dwelling unit that contains sleeping accommodation for not more than 2 persons shall be not less than 11 m² (118 ft²);
- c) a dining space in combination with other space shall have an area of not less than 3.25 m² (35 ft²);
- d) dining rooms not combined with other space shall have a minimum area of 7 m² (75 ft²);
- e) kitchen areas within dwelling units either separate from or in combination with other spaces, shall have an area of not less than 4.2 m² (45 ft²) including the area occupied by the base cabinets, except that in dwelling units containing sleeping accommodation for not more
- f) than 2 persons, the minimum area shall be 3.7 m² (40 ft²);
- g) except as provided in clause (g) and (h), bedrooms in dwelling units shall have an area not less than 7 m² (75 ft²) where built-in cabinets are not provided and not less than 6 m² (65 ft²) where built-in cabinets are provided;
- h) except as provided in clause (h), not less than one bedroom in every dwelling unit shall have an area of not less than 9.8 m² (105 ft²) where built-in cabinets are not provided and not less than 8.8 m² (95 ft²) where built-in cabinets are provided;
- i) bedroom spaces in combination with other spaces in dwelling units shall have an area not less than 4.2 m² (45 ft²); and
- j) in every dwelling unit, an enclosed space of sufficient size shall be provided to accommodate a water closet, wash basin and bathtub or shower stall.

4.8.12 Multi-Unit Security Devices

In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained.

4.9 LODGING HOUSES

4.9.1 Lodging House – Requirement

Each lodging house shall have at least one toilet, one wash basin and one bathtub or shower for every five tenants and all tenants shall have access to a kitchen sink.

4.9.2 Floor Area – Required

The minimum floor areas for a lodging unit shall be as follows:

- a) sleeping rooms shall have an area not less than 7 m² (75 ft²) per person for single occupancy and 4.6 m² (50 ft²) per person for multiple occupancy.

4.9.3 Cooking Facilities – Equipped

Where a lodging house has cooking facilities, they shall be;

- a) equipped with a sink that:
 - i. is provided with potable hot and cold water; and
 - ii. is maintained;
- b) equipped with electrical or other service, fuel, or utility outlets suitable for refrigerator and cooking stove; and

- c) equipped with an impervious splash back and countertop around the kitchen sink; and
- d) when equipped by the owner with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.

4.9.4 Sanitary Facilities – Contained

Each lodging house shall have enclosed sanitary facilities containing:

- a) toilet;
- b) wash basin;
- c) bathtub or shower;
- d) water resistant floor;
- e) water resistant wall around the bathtub or shower; and
- f) a door in the enclosure that can be secured from the inside and can be opened from the outside in an emergency.

4.10 PEST INFESTATION

4.10.1 Free of Pests

All buildings shall be kept free of rodents, vermin, insects, and other pests at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the *Pesticides Act, R.S.O. 1990, Chapter P.11*, as amended, and all regulations enacted pursuant thereto.

5. BUILDING SERVICES, SYSTEMS AND FACILITIES

5.1 ELEVATING DEVICES

5.1.1 Elevating Devices – Maintained

Elevating devices shall be maintained:

- a) in accordance with the requirements of the *Elevating Devices Act, R.S.O. 1990, Chapter E.8* and the Fire Code;
- b) with all parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational; and
- c) repaired as expeditiously as possible.

5.2 HEATING, VENTILATING AND MECHANICAL SYSTEMS

5.2.1 Heating, Ventilating and Mechanical Systems – Maintained Heating, ventilating and mechanical systems including factory-built stoves, fireplaces and chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat and air conditioning or other services shall be maintained.

5.2.2 Heating System – Capable – Temperatures

The heating system shall be capable of maintaining the temperatures specified in the City of London Vital Services By-law.

5.2.3 Portable Heating – Not Used – Primary Source

Portable heating equipment shall not be used as the primary source of heat for any rented or leased dwellings or living accommodations.

5.2.4 Duct Type Smoke Detector – Multi Unit

Where there are multiple units within a building that are sharing one furnace, a duct type smoke interlock detector shall be installed and maintained.

5.3 PLUMBING AND DRAINAGE SYSTEMS

5.3.1 Plumbing and Drainage – Maintained

- a) Plumbing and drainage systems shall be provided and installed so that such systems: are free from leaks and adequately protected from freezing;
- b) supply potable hot and cold water commensurate with the normal requirements of the use and or occupancy served; and
- c) operated to provide at the hot water outlets in each dwelling unit hot water at a temperature of not less than 43°C (109°F).

5.3.2 Washing Machine and Plumbing Fixtures – Maintained

Where washing machines and plumbing fixtures are provided, they shall be maintained.

5.3.3 Air Conditioners – Prevent Condensation

Air conditioners shall be equipped with proper devices to prevent condensation draining onto publicly owned sidewalks, walkways, entrances, and other pedestrian routes.

5.3.4 Septic Tanks – Field Beds – Maintain

Septic tanks, field beds and dry wells shall be maintained.

5.3.5 Decommissioning – Septic Tanks – Drywell

To decommission, tanks or dry wells, they shall be pumped dry, and contents disposed at a suitable disposal site and a receipt of the disposal fee shall be submitted to the City of London Property Standards Officer. The tanks or dry wells may be broken up and buried, cavities shall be filled with sand or another suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

5.4 ELECTRICAL SYSTEMS

5.4.1 Provide – Outlets

Dwelling units and, where required by the Ontario Electrical Code, buildings and all parts thereof shall be provided with outlets to receive electricity from an electrical supply system.

5.4.2 Wall Switch – Provided

Except as provided in Subsection 5.4.3, a lighting outlet with fixture controlled by a wall switch shall be provided in kitchens, bedrooms, living rooms, dining rooms, washrooms, vestibules, and hallways in dwelling units.

5.4.3 Receptacle Controlled

Where a receptacle controlled by a wall switch is provided in bedrooms or living rooms, such rooms need not conform to the requirements of Subsection 5.4.2.

5.4.4 Capacity of Connection – Conform – Ontario Electrical Code

The capacity of the connection to the building or parts thereof and the system of circuits and electrical outlets distributing the electrical supply within the building shall conform to the Ontario Electrical Code.

5.4.5 Lighting Outlet – Provided – Maintained

A lighting outlet with a fixture shall be provided and maintained in every laundry room, furnace room, garbage room, utility room, storage room, service room, unfinished basements in dwelling units and any other public spaces in residential buildings.

5.4.6 Exit, Public Corridor or Corridor – Access – Lighting – Provided – Maintained

Every exit, public corridor or corridor providing access to exit for the public and storage garages shall be provided and maintained with lighting fixtures which furnish an average illumination level of 50 lux (4.6 foot candles) at floor or tread level.

5.4.7 Electrical Systems – Central Station – Maintained

Electrical systems and central station connections shall be maintained as required by the Ontario Electrical Code and the Fire Code.

5.5 RECREATIONAL FACILITIES

5.5.1 Amenities – Provided – Maintained

Recreational amenities, facilities, rooms and play area surfaces and equipment provided by the owner shall be maintained in accordance with the appropriate section in this by-law.

6. APPEAL TO COMMITTEE

6.1 Fee for Appeal – Required

An owner or occupant who appeals an Order shall pay a non-refundable hearing fee as provided for under the Fees and Charges By-law, A-56 or any successor by-law.

6.2 Timelines for Appeal

An owner or occupant who has been served with a property standard order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal, including grounds for the appeal and the applicable fee as set out in the Fees and Charges By-law, by registered mail to the secretary of the Committee within 14 days after being served with the order. A property standard order that is not appealed within the time referred to in this section is deemed to be confirmed.

7. ESTABLISHMENT OF A COMMITTEE

7.1 Council – Establish – Committee

A committee to be known as the Property Standards Committee is established. The purpose of the Committee is to hear appeals of Property Standards Orders.

7.2 Committee – Term and Composition

The Committee shall consist of no less than three persons as appointed by Council. The names of the Committee members appointed to the Committee are attached as **Schedule A** to this By-law. Committee members shall remain in office at the pleasure of Council.

7.3 Committee Member – Hearings Officer

To be a Committee member, a person must be a Hearings Officer appointed under Hearings Officer By-law A.-6653-121, or any successor by-law.

7.4 Committee Member – Prior Appointments Rescinded

Any appointment of a person to a property standards committee made prior to the passing of this by-law is rescinded.

7.5 Forthwith Fill – Vacancy

Council shall forthwith fill any vacancy that occurs in the membership of the Committee.

7.6 Council – Remuneration – Committee

Council shall remunerate Committee members at the same rate as Hearings Officers.

7.7 Committee – Elect – Chair

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

7.8 Majority – Quorum

A majority of members constitutes a quorum for transacting the Committee's business.

7.9 Secretary – Committee

The Committee members shall provide for a secretary for the Committee who shall be the City Clerk or Designate.

7.10 Secretary – Retain – Records

The secretary shall keep on file the records of all official business of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* applies with necessary modifications to the minutes and records.

7.11 Committee – Rules and Procedures

The Committee may adopt its own rules and procedures.

7.12 Committee – Notice of Hearing

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.

7.13 Powers of Committee

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:

1. Confirm, modify, or rescind the order to demolish or repair;
2. Extend the time for complying with the order.

8. VALIDITY

8.1 Severability

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

9. REPEAL

9.1 By-laws – Repealed

By-law CP-16, as amended, being "A by-law prescribing standards for the maintenance and occupancy of property" is hereby repealed.

9.2 By-laws Repealed – Order Continuous

An Order made under any repealed Property Standards By-law is continued as an Order made under Section 15.1 of the Act.

9.3 Transition – Orders Continued

An order made pursuant to By-law CP-16 is continued under and in conformity with the provisions of this by-law so far as consistently may be possible.

9.4 Transition – Proceedings Continued

All proceedings taken pursuant to By-law CP-16 shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.

10. This by-law comes into force and effect on May 25, 2021

PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – May 25, 2021
Second reading – May 25, 2021
Third reading – May 25, 2021

Schedule "A"
Appointments of Hearings Officers to the Property Standards Committee

The following individuals who have been appointed as Hearings Officers pursuant to By-law A.-6653-121 serve on the Property Standards Committee:

1. Don Bryant
2. Sue Carlyle
3. Dan Ross
4. Christene Scrimgeour
5. Andrew Wright