

THE CORPORATION OF THE TOWNSHIP OF OPASATIKA
By-Law 2020-12

Being a by-law to provide standards for the maintenance and the occupancy of
property in the Township of Opasatika

WHEREAS Section 15.1 of *the Building Code Act*, 1992, S.O. 1992, c.23, as amended, authorizes a Council of a municipality to pass a by-law prescribing the standards for the maintenance and occupancy of property within the municipality and prohibiting the occupancy or use of such property below the standards prescribed herein to be repaired and maintained to comply with the standards, or the lands thereof to be cleared of all buildings and structures and left in a graded and level condition;

AND WHEREAS the Official Plan for the Corporation of the Township of Opasatika includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Township of Opasatika enacts the following:

1. Short Title

This By-law is known as the “Township of Opasatika Property Standards By-Law.”

2. Defined Area

This By-law applies to all land within the boundaries of the Township of Opasatika.

3. Definitions

In this By-law,

- a) “ACCESSORY BUILDING” means a detached or attached building which is subordinate to the main use of the lot and which is not used or intended for use as human habitation.
- b) “BUILDING” means any construction used or intended to be used for the shelter, accommodation, or enclosure of humans, animals or chattels.
- c) “CLERK” means the Clerk for the Corporation of the Township of Opasatika, duly appointed under *the Municipal Act*, R.S.O. 1990 as amended.
- d) “COMMITTEE” means the property standards committee established under

- this by-law.
- e) "CORPORATION" means the Corporation of the Township of Opasatika.
 - f) "COUNCIL" means the Council of the Corporation of the Township of Opasatika.
 - g) "DEMOLISH" means the doing of anything in the removal of a building or structure or part thereof.
 - h) "FILL" means any type of material placed or dumped on land, whether imported or native to the site, and includes but not limited to organic soils, peat, soil, stone, concrete, asphalt, sod, turf, dirt, earth, aggregate, binder and any combination thereof.
 - i) "OCCUPANT" means any person or persons over the age of eighteen in possession of the property.
 - j) "OFFICER" means a Property Standards Officer or By-Law Enforcement Officer who has been assigned the responsibility of administering and enforcing this By-Law.
 - k) "OWNER" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
 - l) "POND" means an artificial body of water, the container of which is prefabricated and constructed of concrete, plastic, fiberglass or similar material, having a depth less than 0.6 meters (24 inches) primarily intended for aesthetic or agricultural purposes but shall not include a pond constructed on the property with or without a flexible pond liner unless otherwise permitted by Council.
 - m) "PROPERTY" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto, and all mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
 - n) "REPAIR" includes the provision of such facilities, and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established under this by-law.

- o) “STANDARDS” means the standards of physical condition and occupancy of property set out in this by-law.
- p) “STRUCTURE” means a combination of materials to form a construction or fixed erection to or supported by the soil other than a building, which is not adapted to permanent or continuous occupancy, and shall include a tent, receiving stand, platform, staging, wall, retaining wall, radio or television antenna supporting structure, shed, garbage bin, fence, sign and every other construction or erection that is not a building.
- q) “TOWN” means the Township of Opatatika;
- r) “UNSAFE” means when used in respect of a building, structurally inadequate or faulty for the purpose for which it is used, or when used in respect of a building or property in a condition that could be hazardous to persons in the normal use of the building or property.
- s) “YARD” means the building lot excluding buildings.

4. Structural Standards

- 4.1 Every owner or occupant shall ensure that every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.2 Every owner or occupant shall ensure that the foundation walls, and basement, cellar or crawl space floor shall be maintained in good repair, structurally sound and waterproof.
- 4.3 Every owner or occupant shall ensure that all exterior surfaces shall be of materials which provide adequate protection from the weather, or vermin. Paint or some other suitable preservative or coating must be applied and maintained. Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements. All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable time and where applicable, in accordance with the relevant legislation.
- 4.4 Every owner or occupant shall ensure that the exterior walls, roofs and other parts of a building or structure shall be maintained in good repair, free of loose, rotten, warped and broken materials and objects. Objects may include ice and snow or the accumulation of one or the other. Such objects and materials shall be removed, repaired or replaced.

- 4.5 Every owner or occupant shall ensure that every floor, ceiling, wall, stairway, guard-rails, foundation, roof, balcony or porch on or appurtenant to a building or structure shall be maintained free from holes, cracks, excessive wear and warping, or other defects that are accident hazards.
- 4.6 Every owner or occupant shall ensure that all windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind, rain, moisture, rodents, insects, vermin or other pests into the building or structure.
Windows and doors that are intended or constructed to be opened shall be readily operable without the use of tools.
- 4.7 Every owner or occupant shall ensure that a roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent the leakage of water into the building or structure.
- 4.8 Every owner or occupant shall ensure that every chimney, smoke pipe, and flue or gas vent in a building or structure shall
- a) be maintained so as to prevent the escape of gases into the building or structure;
 - b) be kept clear of obstruction, and all open joints shall be sealed, and all broken and loose masonry shall be repaired;
 - c) be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto does not exceed a safe temperature.
- 4.9 Every owner or occupant shall ensure that if in the opinion of the Officer, the structural capacity of any part of any building or structure including accessory buildings is in doubt, the Officer may require the owner to be responsible for submitting an inspection report, prepared, sealed and signed by a professional engineer who is qualified in the pertinent field and licensed by the Association of Professional Engineers of Ontario. If required to submit an inspection report, every owner or occupant shall comply with the request.
- 4.10 Every owner or occupant shall ensure that unsafe conditions in a building or on a property shall be abated or removed. Without limiting the generality of the above, abatement or removal of an unsafe condition may include: the provision, maintenance or repair of stairs, balustrades, railing, guards and screens so as to minimize the risk of accident; and the removal of rubbish, debris or any condition which constitutes a fire, health or accident hazard.
Locking devices for doors which shall be locked in the closed position when access to the room or area would be hazardous to persons not authorized entry.
This Section includes removing the doors from abandoned ice boxes, freezers, refrigerators and other abandoned machinery or their removal so as to be a hazard to persons in or on the property.

- 4.11 Every owner or occupant shall ensure that 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 taking measures to prevent the entry thereto by all unauthorized persons. Without restricting the generality of the above, protection may include the boarding up with: tight fitting plywood; rigid, composite panels; or sheathing boards 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.

All such boarding shall be installed and maintained in good repair and, unless inherently resistant to deterioration, with a protective coating of paint or equivalent weather-resistant material.

Where a building remains vacant or unoccupied for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, that are not required for the safety or the security thereof, are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the property or adjoining premises.

- 4.12 Every owner or occupant shall ensure that 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 a permit is obtained therefore from the Chief Building Official in compliance with the Building Code Act and posts such permit in a prominent position on the demolition site.

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

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.

A building or portion thereof, damaged by fire or other causes, shall be repaired to its original condition and as may otherwise be required by this By-law, or the building shall be demolished or the damaged portion removed and the property left in a graded and level condition.

5. Heating

- 5.1 Every dwelling shall be provided with suitable heating facilities that are capable of providing throughout the year an indoor temperature of not less than 21 degrees Celsius (70F) in all habitable rooms.

- 5.2 All heating facilities shall be properly installed and maintained in safe and good working conditions and shall be capable of safely and adequately supplying the required heat.
- 5.3 Doors and windows shall be of such a construction as to prevent drafts and minimize heat losses through infiltration of outside cold air in the cold weather season.
- 5.4 No gas appliance or gas supply shall be installed, maintained, or permitted within any room used or intended to be used for sleeping purposes.
- 5.5 Every heating appliance using solid, liquid or gas fuel shall be connected to a suitable chimney or flue to withdraw safely all products of combustion in accordance with the applicable regulations.
- 5.6 All fuel-burning appliances shall comply with the Energy Act, R.S.O.,1990, as amended.
- 5.7 Thermal insulation of buildings to minimize heat losses shall be done in accordance with the provisions of the Ontario Building Code and sufficient to prevent the formation of condensation of the inside walls.

6. Plumbing

- 6.1 Every dwelling shall be provided with an adequate supply of potable water approved by the Medical Officer of Health.
- 6.2 All plumbing, pipes and other plumbing fixtures in a dwelling and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 6.3 Every self-contained dwelling unit shall be equipped with at least one kitchen sink, water closet, wash basin, and bathtub or shower, and an acceptable means of sewage disposal.
- 6.4 Within every dwelling unit there shall be a room which affords privacy to a person within the said room, and which is equipped with a flush toilet and a wash basin in good working order.

7. Electrical Services

- 7.1 Where electrical power is available, every dwelling shall be provided with an adequate supply of electric power, and with electrical facilities having ample capacity to meet all anticipated electrical uses without being overloaded.

- 7.2 Electrical wiring and equipment shall be installed in conformity with the regulations of the *Power Corporation Act* and shall be maintained so as not to be a potential source of fire or electric shock or any other hazard.
- 7.3 An electrical light fixture shall be installed in every bathroom, kitchen or kitchenette, laundry room, furnace room, hall and in a stairway, which is not otherwise lighted.
- 7.4 Switches for turning on one light in each room or passageway shall be conveniently located so as to permit the area ahead to be lighted.

8. Health and Safety Standards

8.1 Landscaping:

- a) Whenever landscaping, hedging, trees, fences, curbs, retaining walls or similar changes to property have been required by the Town as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the Town's requirements.
- b) No fill shall be allowed to remain in an unlevelled state on any property for longer than thirty (30) days unless the property is a construction site for which a building permit is in effect; or the property is being subdivided under a subdivision agreement with the Corporation; or the property is used for storage of material with the approval of the Corporation's Director of Public Works, or his designate, in connection with a Public Works contract; or, or should the fill be required for landscaping purposes, that prior approval of the construction and time schedule be obtained from Council or is otherwise approved under another Town By-law.

8.2 Trees:

- a) All trees on the premises shall be kept pruned so as to be free from dead, diseased or dying branches which may be a source of danger.
- b) All diseased or dead trees which may be a source of danger shall be removed.

8.3 Television and Radio Antenna:

Television antenna and other similar roof structures must be securely anchored and maintained in a safe and good condition.

8.4 Land:

All lands and lots and yards around any building or structure including fences shall be maintained in a clean and reasonable state of repair to prevent fire, accidents or hazards to health, and more particularly:

- a) Any rubbish or debris, such as paper, cardboard, wood lumber, bricks, blocks, grass, bottles, machinery, unusable motor vehicles or implements or parts thereof, shall be removed or stored out of sight in a safe and sanitary building or container. Firewood or lumber, if neatly piled in a rear yard, shall not be considered as rubbish or debris.
- b) Any part of a yard that is low lying or has been excavated so that it accumulates water, shall be drained, filled and graded so that water drains to a storm sewer or ditch. Swimming pools shall not be included in this requirement unless they constitute an unsafe condition.
- c) All grassed areas and landscaped areas shall be cut and maintained in a reasonable condition in relation to the neighboring environment.
- d) Every hard-surfaced walkway, driveway, parking area or private road shall be evenly graded and maintained free of potholes or uneven sections capable of causing accidents.
- e) All walkways and access routes to and from multiple occupancy buildings shall be kept free from ice and snow and hazards at all times.
- f) All swimming pools, wading pools and ponds, and any appurtenances thereto, shall be maintained in good repair, free from leaks, free from health and safety hazards and be kept clean of stagnant water and any such areas that are unkept or unused shall be drained of all water found therein and when emptied shall be further enclosed or filled.
- g) Installation, construction and location of ponds shall be approved by Council. Owners of existing or new ponds may be required by Council to relocate, remove or enclose such ponds for reasons of safety.
- h) No roof drainage or sump pump shall be discharged on a municipal sidewalk or stairs of the premises or neighboring property.
- i) Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe condition or that the visual appeal does not conform with or to the neighboring properties or environment shall be removed.
- j) Any unusual improvement or unkept improvement that may reduce the

market value or appeal of neighboring properties or environment shall be removed.

- k) Vacant lots must be kept clean and clear of all objects, machinery or equipment that is non-functional, worthless or have salvage value only.

8.5 Fences, Accessory Buildings and Temporary Structures:

Fences, accessory buildings and temporary structures shall be kept:

- a) Protected by paint, preservative or other weather resistant material unless the aesthetic characteristics is, in the opinion of Council, enhanced by the lack of such material.
- b) In a structurally sound condition and plumb, unless specifically designed to be other than vertical.
- c) In good repair and free of accident hazards.
- d) So as not to present an unsightly appearance.
- e) Temporary structures, in addition to those regulations as outlined in Sections 8.5 a), 8.5 b), 8.5 c) and 8.5 d) require a letter of permission and location verification to be issued upon the request of the applicant by the Corporation for a onetime fee as per Schedule "A". The applicant shall indemnify and save harmless the Corporation against any and all claims or demands made or brought against the Corporation by any person or persons for damages arising out of the ownership and use of a temporary structure.
- f) Temporary structures may be erected on or after October 1st of each year and must be removed on or before May 31st of each year. No temporary structure may exceed 33.4 square meters (360 sq.ft.) in size in any residential area.
- g) During the period between October 1st of any year and May 31st of the following year temporary structures may be erected within the front yard of a single-family dwelling only when used solely for the temporary parking of a motor vehicle.
- h) Temporary structures must maintain side, front and rear yard setbacks of five feet and shall not restrict in any manner any required exit from the residential structure on the property.
- i) Temporary structure must not be located near a hydrant where it may pose a safety hazard.
- j) Temporary structures may be permitted in the rear yard of a single-family

dwelling for a period of time exceeding the time frame set out in 8.5 (f), subject to written letters of permission from neighboring property owners approving of the temporary structure.

- k) In instances where there is no backyard or backyard access, temporary structures may be permitted in the side yard of a single family dwelling exceeding the time frame set out in 8.5 (f), subject to written letters of permission from neighboring property owners approving of the temporary structure.
 - l) Opasatika Council has the authority to revoke any permit for a Temporary Shelter Permit upon 30 days notice.
 - m) Small permanent structures or buildings of less than 10 square meters (107.6sq. ft) floor area will require a building permit. Zoning compliance form shall be issued upon the request of the property owner by the Corporation of the Township of Opasatika for a onetime fee as per Schedule "A".
- 8.6 Sewage of any kind shall not be discharged onto the surface of the ground. Sewage or organic waste shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.
- 8.7 A dwelling shall be kept free of rodents, vermin and insects 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, and all regulations passed pursuant thereto.
- 8.8 Every floor, wall, ceiling and fixture in a dwelling or building shall be maintained in a clean and sanitary condition, and the dwelling shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.
- 8.9 Doors shall be provided for all entrances, for reasons of security, fire separation, noise barrier and heat loss in compliance with the Building and Fire codes and regulations.
- 8.10 Fuel oil and any other combustible or flammable material shall be stored and located so as not to be a hazard to the premises or surrounding property or contravene any provincial or municipal regulations.
- 8.11 All garbage refuse and ashes shall be disposed of in a manner acceptable to the local health and municipal authorities. Garbage storage areas shall be screened from public view.

8.12 Drainage

Except for ponds approved by Council and drainage works approved by the Corporation, recurrent ponding which creates a health, safety, or accident hazard or creates a nuisance shall be eradicated by grading, filling or otherwise draining the land.

Every property containing a building with a basement or cellar shall be graded and drained so as to prevent the entry of water into such basement or cellar.

Storm water from the roof or driveway or other surface shall not be drained to the sanitary sewage system.

Where water runoff from roof surface is discharged by way of eaves troughs or roof gutters and down pipes, they shall be maintained in good working order and good repair, watertight and free from leaks and in a safe condition.

Down pipes and sump pump discharge lines shall be provided and maintained so as to discharge water run-off away from the building and to prevent flooding and erosion to neighboring properties.

8.13 Pest Prevention

Buildings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.

9. General Duties and Obligations to Comply

No owner shall use, occupy or permit the use or occupancy of any property that does not satisfy the terms and conditions of an Order to conform to the standards established in this By-law.

No person shall remove from any premises any sign, notice or placard placed thereon pursuant to this By-law without the consent of the Officer.

9.1 Administration and Enforcement

Schedules "A", "B" and "C" shall form part of this By-law.

9.2 Application of By-law

Where a provision of this By-law conflicts with the provisions of another By-law in force in the Township of Opasatika, the provisions which establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

9.3 Officers and Inspectors

The Corporation shall appoint Property Standards Officers who shall be responsible for administering and enforcing the provisions of this By-law. The persons from time to time holding the position of Chief Building Official Building

Inspector and Fire Chief in the Town are hereby designated as Inspectors to assist the Property Standards Office in the administration and enforcement of this By-law.

9.4 Right of Entry for Inspecting Property

For the purpose of enforcing this By-law, the Officer, Inspector or any other person acting under the instructions of the Officer may, at all reasonable times and upon producing proper identification, enter and inspect any property or premises to which this By-law applies.

9.5 Notice of Non-Conformity

If, after inspection, the Officer is satisfied that, in some respect, the property does not conform with the standards prescribed in this By-law he shall serve or cause to be served by personal service upon, or sent by prepaid registered mail to the owner of the property and all persons shown by the records of the Land Titles Office to have any interest therein, a Notice containing particulars of the non-conformity and may at the same time, provide all occupants and a copy of such Notice.

The Notice of Non-Conformity shall: state the municipal address and legal description of such property; specify that the property does not conform with the standards prescribed by the By-law; specify the standards with which the property does not conform; specify the action required to be taken to bring the property into conformity with the By-law, giving reasonable particular thereof; state that any person served with the Notice may make representations in respect to the condition of the property or the work required to be done, in writing, or at a meeting with the Officer; state that any representations or requests for a meeting shall be in writing and received by the Officer within fourteen (14) days of the date of personal service or the date of mailing of the Notice, failing which an Order may be made; pursuant to Section 9.8 herein; and state the name and the business address of the Officer giving the Notice.

9.6 Substituted Service

If the said Officer is unable to effect service of the Notice on those persons as required, he shall place a placard containing the terms of the Notice in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice on such persons.

9.7 Meeting Before the Property Standards Officer

If a meeting is requested by the owner or other persons served with Notice, such meeting shall be held by the Officer within thirty (30) days of the receipt of the request and the owner shall have the right to make such representations and lead such evidence as he or she desires at the meeting.

9.8 Order

At any time after the date specified in the Notice for making representations to the Officer or after a meeting under Section 9.7 herein, the Officer may issue an order with regard to the non-conforming property.

The Order shall either be personally served upon, or sent or caused to be sent by prepaid registered mail to the last known address of the owner and all persons shown by the records of the Land Titles Office as having an interest therein and may at the same time be provided to all occupants.

9.9 Substituted Service

If the said Officer is unable to effect service of the Order on those persons as required by Section 9.8 above, the Officer shall place a placard, containing the terms of the Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the order on such persons.

9.10 Contents of Order

An Order issued under Section 9.8 shall state as follows: the municipal address or the legal description of the subject property; reasonable particulars of the repairs to be effected or a statement requiring the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition; a reasonable period in which there must be compliance with the terms and conditions of the Order and notice that, if such repair or clearance is not so done within the time specified in the Order, the Town may carry out the repair or clearance at the expense of the owner; and the final date for giving notice of appeal from the Order.

9.11 Furnishing Copy of Order

No person shall sell, mortgage, lease or agree to sell, mortgage or lease any property in respect of which an Order has been served under this By-law without furnishing the prospective purchaser, mortgage or lessee with a true copy of such Order.

9.12 Registration of Order

The Order under Section 9.8 may be registered in the proper Land Titles Office against title to the subject property, and when so registered, any person acquiring any interest in the said property subsequent to the registration of the Order, shall be deemed to have been served with the Order as of the date of which the Order was served.

When the requirements of an Order which has been registered on title have been satisfied, the Clerk shall forthwith register a certificate indicating that such requirements have been satisfied which shall operate as a discharge thereof.

9.13 Repairs

All repairs to any property shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose and shall conform to the *Ontario Building Code*, *Ontario Fire Code* and the *Fire Prevention and Protection Act*, where applicable.

9.14 Property Standards Committee

The Property Standards Committee for the purposes of this By-law shall be the Municipal Council.

9.15 Appeal to Property Standards Committee

When an owner or occupant upon whom an Order of the Officer has been served is not satisfied with the terms or conditions of the Order, he may appeal to the Committee by sending notice of appeal by registered mail to the Clerk within fourteen (14) days after service of an Order and, if no appeal is taken, the Order shall be deemed to have been confirmed. Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the By-law and the Official Plan are maintained.

9.16 Appeal to Judge

The Corporation or any owner or occupant or person affected by a decision under Section 9.15 may appeal to a judge of the Ontario Superior Court of Justice by so notifying the Clerk in the manner prescribed by the Building Code Act, as amended.

The Order, as deemed to have been confirmed or modified pursuant to Section 9.15 or, in the event of an appeal to the Judge pursuant to this Section, as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the Order.

9.17 Power of the Corporation to Repair or Demolish

If the Owner or occupant of any property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation, in addition to all other remedies, shall: have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time-to-time to enter in and upon the property; not be liable to compensate such owner, occupant or any other person having an interest in the property by reasons of anything done by or on behalf of the Corporation under the provisions of this Section; and have

the right to recover from the owner of the property any amount expended by or on behalf of the Corporation under the authority of this Section, together with the applicable interest rate and/or penalty, which amounts may be added by the Treasurer to the collectors roll and collected in like manner as municipal taxes.

9.18 Certificate of Compliance

Where an inspection of a property has taken place following a complaint, the Officer may, or on the request of an owner, shall issue to the owner a Certificate of Compliance if, in his/her opinion the matter complained of has been remedied in order to comply with the standards of this By-law, and where it is issued at the request of the owner the fee payable therefore by the owner to the Corporation as per Schedule "A".

9.19(a) Duties:

- (1) Every owner shall ensure that his dwelling or property is maintained in accordance with the provisions of this by-law.
- (2) Every person to whom an order is issued or who is required to do or abstain from doing anything by, or pursuant to this by-law, shall obey such order or do or abstain from doing such this required.

9.19(b) Penalties

Any person who contravenes any of the provisions of this By-Law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, of not more than Five Thousand Dollars (\$5000) for each day that the contravention has continued with the said amount recoverable under the Provincial Offences

Every owner who contravenes an Order that is final and binding under this By-law is guilty of an offence and is liable to a fine of not more than \$2,000.00 for a first offence and to a fine of not more than \$10,000.00 for any subsequent offence as prescribed in the Building Code Act and recoverable pursuant to the Provincial Offences Act, as amended, and all the provisions of the said Act shall apply to any offence under the provisions of this By-law.

If a corporation is convicted of an offence the maximum penalty that may be imposed upon the Corporation is \$10,000.00 for a first offence and \$50,000.00 for any subsequent offence as prescribed in the Building Code Act recoverable pursuant to the Provincial Offences Act, as amended and all provisions of the said Act shall apply to any offence under the provisions of this By-law.

9.20 Emergency Order

Despite any other provisions of this Section, if upon inspection of a property the Officer is satisfied there is non-conformity with the standards prescribed in the

By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Emergency Order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

9.21 Emergency Powers

After making an Emergency Order under Section 9.20, the officer may, either before or after the Emergency Order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servant and agents, to enter in and upon the property from time to time.

9.22 No Compensation Where Reasonable Exercise of Powers

The Officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person be reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under Section 9.21.

9.23 Service of Emergency Order and Statement

Where the Emergency Order was not served before measures were taken by the Officer to terminate the danger, as mentioned in Section 9.21, the Officer shall forthwith after the measures have been taken, serve or send copies of the Emergency Order, in accordance with Sections 9.8, 9.9 and 9.10 and each copy of the Emergency Order shall have attached thereto a Statement by the Officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

9.24 Separate Service of Statement

Where the Emergency Order was served before the measures were taken, the Officer shall forthwith after the measures have been taken, serve or send a copy of the Statement mentioned in Section 9.23 in accordance with Sections 9.8., 9.9 and 9.10 on or to the owner of the property and all persons mentioned in Section 9.5.

9.25 Recovery of Expense

Where the Town demolishes or repairs property as mentioned in Section 9.17 or takes measures to terminate a danger as mentioned in Section 9.21 or maintains property to conform with Section 8 of this agreement, the Town may recover the expense incurred in respect thereof by any or all of the methods provided for in Section 326 of the Municipal Act.

9.26 Provisions Severable

It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reasons, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

10. By-law #89-189 be repealed and this By-law shall come into force and effect immediately on the date of passing.

READ A FIRST TIME THIS 23RD DAY OF NOVEMBER 2020

Mayor: Denis Dorval

Clerk: Alain Tremblay

READ A SECOND TIME THIS 12TH DAY OF APRIL 2021

Mayor: Denis Dorval

Clerk: Alain Tremblay

READ A THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF MAY 2021

Mayor: Denis Dorval

Clerk: Alain Tremblay

SCHEDULE "A"

PROPERTY STANDARDS FEE SCHEDULE

		Code	2021 Fee
1	Temp Structures	TEMP	\$ 34.00
2	Less than 100 sqft Building	SQFT	\$ 34.00
3	<u>Swimming Pools:</u>	IFP	\$ 62.00
	a) Inflatable above ground	HSP	\$ 99.00
	b) Hard shell above ground	IGP	\$ 186.00
	c) In-ground		
4	Ground MicroFIT	GSOLAR	\$ 162.00
5	FIT	<1MW	\$ 1,379.00
		1MW to 5MW	\$ 2,760.00
		5MW to 10MW	\$ 5,520.00
		10MW to 15MW	\$ 8,199.00
6	Inspection Request Commercial	IRC	\$ 68.00
7	Inspection Request Residential	IRR	\$ 39.00

SCHEDULE "B"

INSPECTION REQUEST

I, _____, am lodging a formal complaint under the Property

Standards By-law, about the property at:

The complaint(s) include(s), but is/are not restricted to the following:

I, the undersigned, request that the property listed above be inspected by a Property Standards Officer of the Township of Opasatika and to take whatever action necessary.

I, the undersigned, agree that if the Property Standards Officer, upon inspection of the property above, determines that this complaint is frivolous and vexatious in manner and/or the conditions are so minor as not to constitute any action under this By-law, I agree not to be reimbursed the fee paid in advance for the inspection of the property (as set out in Schedule "A").

This agreement was made and hereby understood and agree to by the undersigned:

Signature

Telephone number

Address

Witness Print Name

Witness Signature

On this _____ day of _____, 202__ .

SCHEDULE "C"

NOTICE OF APPEAL TO PROPERTY STANDARDS COMMITTEE

Ontario Building Code Act, 1992, S.O. 1992, c.23

Date: _____

Municipal Clerk
Property Standards Appeal Committee
Corporation of the Township of Opasatika
P.O. Box 100
Opasatika, Ontario
P0L 1Z0

RE: Order to Remedy Violation of Standards of Maintenance and Occupancy at

Description and location of property in violation:

TAKE NOTICE of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above reference order to Remedy Violation of Standards of Maintenance and Occupancy served upon the undersigned on , 20__.

Name: _____
Print name of owner or agent *Signature of owner or agent*

Address: _____

Telephone number: _____

SCHEDULE “D”

Part I Provincial Offences Act

THE CORPORATION OF THE TOWNSHIP OF OPASATIKA

BY-LAW 2020-12

Being a by-law to provide standards for the maintenance and occupancy of property in the Township of Opasatika

ITEM	COLUMN 1 Short form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set fine
1	Fail to maintain standards for occupancy of property	s. 4.1	\$ 500.00
2	Fail to maintain foundation walls	s. 4.2	\$ 500.00
3	Fail to maintain exterior surfaces	s. 4.3	\$ 500.00
4	Fail to maintain exterior walls	s. 4.4	\$ 500.00
5	Fail to maintain floor, ceiling, stairway, roof, balcony, porch	s. 4.5	\$ 500.00
6	Fail to maintain windows and exterior doors	s. 4.6	\$ 500.00
7	Fail to maintain roof including fascia board	s. 4.7	\$ 500.00
8	Fail to maintain chimney, smoke pipe, flue or gas	s. 4.8	\$ 500.00
9	Fail to submit inspection report	s. 4.9	\$ 500.00

Note: the general penalty provision for the offences listed above is section 9.19 (b) of by-law 2020-12, a certified copy of which has been filed