

BY-LAW NO. 2008-0137

A by-law to prescribe Property Standards for the maintenance and occupancy for all properties within the Town of Halton Hills.

WHEREAS under subsection 15.1(3) of the *Building Code Act*, S.O. 1992, c.23 as amended, a by-law may be passed by the Council of a municipality prescribing the Standards for the maintenance and occupancy of Property within the municipality provided the Official Plan for the municipality includes provisions relating to Property conditions;

AND WHEREAS the Official Plan for the Corporation of the Town of Halton Hills includes provisions relating to Property conditions;

AND WHEREAS the Council for the Corporation for the Town of Halton Hills deems it necessary to pass a by-law under subsection 15.1(3) of the *Building Code Act*;

AND WHEREAS subsection 15.6(1) of the *Building Code Act* requires that a by-law passed under subsection 15.1(3) of the *Building Code Act* shall provide for the establishment of a Property Standards Committee;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

1.1 This by-law may be referred to as the “Property Standards By-law”.

PART 2 – DEFINITIONS

2.1 **“ACCESSORY BUILDING”** means a subordinate Building on the same lot as the main Building devoted exclusively to a use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the Property, but which is not used for human habitation.

2.2 **“BASEMENT”** means a storey or partial storey of a Building located below the First Storey and is not a Crawl Space as defined in this by-law.

2.3 **“BUILDING”** means a structure which is located on the ground or attached to something having a location on the ground whether temporary or permanent, used or built for shelter, accommodation or enclosure of Persons, animals, materials or equipment, and shall include Plumbing not located inside the Building designated in the *Building Code Act* but does not include swimming pools and any underground servicing facility.

2.4 **“BUILDING CODE ACT”** means the *Building Code Act* 1992, S.O. 1992, c23.

2.5 **“CHIEF BUILDING OFFICIAL”** means the person appointed as Chief Building Official by the Council of the Corporation of the Town of Halton Hills under the legislated authority of the *Building Code Act* or their designate.

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- 2.6 “**COMMITTEE**” means a Property Standards Committee established under this by-law pursuant to the *Building Code Act*.
- 2.7 “**COUNCIL**” means the Council for the Corporation of the Town of Halton Hills.
- 2.8 “**CRAWL SPACE**” means that space below the floor of the First Storey of a Building which is not less in height than 30 centimetres (0.98 feet) from the underside of the floor joists to the surface below and is not a Basement as defined herein.
- 2.9 “**DANGER**” means exposure to or a source of an unsafe condition, hazard, peril, injury or risk to a person.
- 2.10 “**DWELLING**” means a Building or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a Dwelling Unit.
- 2.11 “**DWELLING UNIT**” means a room or suite of rooms designed or intended for use by one or more persons living together as one housekeeping unit and containing cooking, eating, living, sleeping and sanitary facilities.
- 2.12 “**FENCE**” means a free-standing structure, or railing, or wall, or gate strung with a line of posts, wire, boards, pickets, privacy screens or other material, used to enclose or divide in whole or in part a Yard or other land or used to provide privacy.
- 2.13 “**FIRST STOREY**” means the storey with its floor closest to grade and having its ceiling more than 1.80 metres (5 feet 11 inches) above grade.
- 2.14 “**GUARD**” means a protective barrier, with or without openings through it, that is around opening in floors or at the open side of stairs, landings, mezzanines, galleries, raised walkways or other locations in order to prevent accidental falls from one level to another.
- 2.15 “**GOOD REPAIR**” means that the component Repaired can perform its intended function.
- 2.16 “**GOOD WORKMANSHIP**” means finishing the component Repaired in a manner reasonably comparable in design and colour with adjoining decorative finishing materials.
- 2.17 “**GRAFFITI**” means one or more letters, symbols or marks, howsoever made, that disfigure or deface a Property or an object located thereon, but does not include a Sign or a mural which has been authorized by the Town and approved by the Owner.
- 2.18 “**GROUND COVER**” means non-organic or organic material and includes concrete, flagstone, interlocking brick, asphalt, gravel, soil, grass and any other form of landscaping.
- 2.19 “**HABITABLE SPACE**” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes.
- 2.20 “**HIGHWAY**” means a common and public highway and includes a street, avenue, parkway, lane, alley, driveway, square or place, or a bridge, trestle, viaduct or other structure forming part of a highway over or across which a highway passes, any part of which is designed and intended for, or used by, the general public for the passage of vehicles and includes the whole of a road allowance under the jurisdiction of the Town and, except as otherwise provided, includes a portion of a Highway.

- 2.21 **“LITTER”** means debris, rubbish, filth, refuse or discarded material of any kind whatsoever, and without limiting the generality of the foregoing shall include animal carcasses or droppings, furniture and household effects in a state of apparent abandonment or disrepair, inoperative mechanical devices and appliances, piping, tubing, and fittings or other accessories or adjunct parts, old or decayed lumber, packing materials, garden refuse, earth and rock fill, Vehicles that are wholly or partially dismantled, wrecked or otherwise inoperative, used oil, material from demolition projects, and Vehicles, machinery, equipment or materials apparently disused in their existing location.
- 2.22 **“MEANS OF EGRESS”** means a continuous path of travel provided for the escape of persons from any point in a Building or contained open space to a separate Building, an open public thoroughfare, or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare. Means of Egress includes exits and accesses to exits.
- 2.23 **“MEDICAL OFFICER OF HEALTH”** means the Medical Officer of Health for the Regional Municipality of Halton or any Person acting under their supervision.
- 2.24 **“MOULD”** means a sub-group of fungi that colonizes damp organic matter and produces spores that can be air, water or insect-borne.
- 2.25 **“MULTIPLE DWELLING”** means a Building or portion thereof containing two or more Dwelling Units and shall include Dwellings either held or maintained under single ownership or established and maintained under the provisions of the *Condominium Act* or as a co-operative and may include occupancies that are in part used lawfully for non-residential purposes.
- 2.26 **“MUNICIPAL ACT, 2001”** means the *Municipal Act, 2001, as amended*, and the regulations enacted hereunder in force from time to time in the Province of Ontario.
- 2.27 **“NON-HABITABLE SPACE”** means any room or area in a Dwelling or Dwelling Unit, other than a Habitable Space and includes a Washroom, laundry room, pantry, lobby, public corridor, stairway, closet, Basement, boiler room, garage, space for service and maintenance and Crawl Space.
- 2.28 **“NUISANCE”** means any injurious, offensive, objectionable or obnoxious condition and, without limiting the generality of the foregoing, shall include a condition which is injurious, offensive, objectionable or obnoxious by reason of the unsightly storage of goods, wares, merchandise, Litter or other material.
- 2.29 **“OCCUPANT”** means any Person who has attained the age of eighteen years and is in possession of the Property.
- 2.30 **“OFFICER”** means a Person appointed by the Council for the Town as a property standards Officer for the purpose of administrating and enforcing this by-law.
- 2.31 **“ONTARIO ELECTRICAL SAFETY CODE”** means the regulation made pursuant to the *Electricity Act* that is in force from time to time in the Province of Ontario.

2.32 **“OWNER”** means:

- (a) the Person for the time being managing or receiving the rent of the land or Premise in connection with which the word is used, whether on their own account or as agent or trustee of any other Person, or who would so receive the rent if the Premise were let;
- (b) 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; and
- (c) the registered Owner of a Property, including any heirs, assigns, personal representatives and successors in title.

2.33 **“PERSON”** means an individual, sole proprietorship, partnership, corporate body, trust and an individual in their capacity as trustee, executor, administrator or other legal representative.

2.34 **“PESTICIDES ACT”** means the *Pesticides Act* and the regulations enacted hereunder in force from time to time in the Province of Ontario.

2.35 **“PLUMBING”** means a sanitary or storm drainage system, a venting system, a potable or fire water system, and parts thereof.

2.36 **“PLUMBING APPLIANCE”** means a receptacle or equipment that receives or collects water, liquids or sewage and discharges water, liquids or sewage directly or indirectly to a Plumbing system.

2.37 **“POOL”** means any body of water, including a hot tub or landscape pond, which:

- (a) is located outdoors on private property;
- (b) is wholly or partially contained by artificial means; and
- (c) is capable of holding water in excess of 61 centimetres (2 feet) in depth at any one point, and
- (d) has an open exposed water surface of at least 1 square metre (10.70 square feet);

For the purposes of this by-law a Pool does not include:

- (i) a pond or reservoir to be utilized for farming purposes, fire fighting purposes or as part of a golf course,
- (ii) a pool owned by any public or governmental body, agency or authority, or
- (iii) an existing natural body of water or stream;
- (iv) a stormwater management facility owned by the Regional Municipality of Halton or the Town.

2.38 **“PREMISE”** means any proportion of a Property which is owned by a specific Person, and includes all Buildings thereon.

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2.39 **“PROPERTY”** means a Building or part of a Building, and includes the lands and Premises appurtenant thereto, and all mobile homes, mobile Buildings, mobile structures, outbuildings, Fences, and erections thereon, whether heretofore or hereafter erected, and includes vacant land, Part IV Heritage Properties and Part V Heritage Properties.

2.40 **“RECEPTACLE”** means a container used to store refuse for collection and shall include metal or plastic containers and commercial dumpsters, but shall not include garbage bags.

- 2.41 **“REPAIR”** means the taking of any action, including the making of additions or alterations, which may be required to ensure that a Property conforms to the Standards established in this by-law.
- 2.42 **“SIGN”** means any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, insignia or illustration used for the purpose of direction, information, advertisement, promotion or identification including any Sign structure, structural trim, and advertising device related thereto.
- 2.43 **“STANDARDS”** means the minimum requirements, as set out in this by-law, for:
- a) maintenance of Buildings and Accessory Buildings,
 - b) maintenance of property,
 - c) occupancy of Buildings,
 - d) maintenance of Fences, retaining walls and other barriers,
 - e) maintenance of Pool enclosures, and
 - f) maintenance of Signs.
- 2.44 **“STREET LINE”** means the boundary between a Highway and private land which separates private land from an abutting Highway.
- 2.45 **“STRUCTURAL ELEMENT”** means any structural component and its connections designed to have sufficient structural capacity and structural integrity to safely and effectively resist all loads and effects of loads.
- 2.46 **“TECHNICAL STANDARDS & SAFETY ACT, 2000”** means the *Technical Standards & Safety Act, 2000* and the regulations enacted thereunder in force from time to time in the Province of Ontario.
- 2.47 **“TENANT”** means a Person paying rent for the temporary use or occupancy of land or Buildings of another Person, and includes a lessee, Occupant, subTenant, and the assigns and legal representatives of each of them.
- 2.48 **“TOWN”** means the Corporation of the Town of Halton Hills.
- 2.49 **“VEHICLE”** means an automobile, truck, bus, motorcycle, snowmobile, all terrain Vehicle, trailer, recreational Vehicle, road building machine and any other Vehicle propelled by a motor or driven by muscular power.
- 2.50 **“WASHROOM”** means an area containing a toilet and a washbasin, and may include a bathtub, shower, urinal or bidet.
- 2.51 **“YARD”** means any land, other than publicly owned land, around or appurtenant to the whole or any of a Property, used or capable of being used in connection with the Property, and includes vacant land.

PART 3 – SCOPE AND INTERPRETATION

- 3.1 This by-law applies to all Properties located in the Town of Halton Hills.
- 3.2 Where the provisions of this by-law conflict with the provision of any other by-law in force in the Town, the provision that establishes the higher standard to protect the public health, safety and general welfare of residents shall prevail.

- 3.3 Where the provisions of this by-law conflict with the *Building Code Act* or any other applicable provincial act or regulation, the provisions of the provincial standard shall prevail.
- 3.4 The requirements in this by-law are set out in metric measurements and any imperial measurements in this by-law are provided for convenience only.
- 3.5 For the purpose of this by-law:
- (a) words used in the present tense shall be deemed to include the future,
 - (b) words in the singular shall be deemed to include the plural and words in the plural shall be deemed to include the singular, and
 - (c) words beginning with a capital, other than at the beginning of a sentence, indicate that there is either a definition for the word contained herein, or that it is a proper noun.
- 3.6 In the interpretation and application of the provisions of this by-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of any person.

PART 4 – GENERAL DUTIES AND OBLIGATIONS TO COMPLY

- 4.1 Every Owner shall:
- (a) comply with all Standards prescribed in this by-law;
 - (b) comply with any final and binding order issued by an Officer by Repairing or demolishing the offending part of a Building or Accessory Building, or requiring Repairs to remedy Property-related violations that are not in accordance with the Standards of this by-law and where a Building or Accessory Building is demolished, the Property shall be left in a graded condition to the satisfaction of the Officer; and,
 - (c) comply with any emergency order issued by an Officer requiring remedial Repairs or other work to be carried out immediately to terminate a Danger where non-conformity with the Standards of this by-law poses an immediate Danger to the health or safety of any person.
- 4.2 Every Owner or Person having contractual or statutory responsibility for the maintenance of the Property, insofar as that part of the Property which is under their control, is required to comply with all the Standards prescribed by this by-law and shall:
- (a) maintain that part of the Premise which is occupied or controlled by them in a clean, sanitary and safe condition;
 - (b) keep exits from residential, commercial or industrial occupancies clean and unencumbered;
 - (c) dispose of garbage and refuse into a Receptacle in a clean and sanitary manner, in accordance with the provisions of applicable laws of the Town and the Regional Municipality of Halton; and,
 - (d) maintain Yards in a clean, sanitary and safe condition free from conditions that might create a Nuisance or a health, fire, safety or accident hazard.
- 4.3 All Repairs and maintenance of the Property stipulated in the Standards prescribed by this by-law are to be carried out in a manner accepted as Good Workmanship in the trade and with materials suitable and sufficient for that purpose and free from defects.

PART 5 – ADMINISTRATION AND ENFORCEMENT

- 5.1 Council shall appoint Officers to carry out the administrative functions of this by-law, including the enforcement thereof.
- 5.2 An Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting the Property to determine:
- (a) whether the Property conforms to the Standards prescribed in this by-law; or
 - (b) whether an order made under this by-law has been complied with.
- 5.3 For the purposes of this by-law, in conducting an inspection of a Property, an Officer may:
- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the Property or any part thereof;
 - (b) inspect and remove documents or things relevant to the Property or part thereof for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to a Property or part thereof;
 - (d) be accompanied by a person who has special or expert knowledge in relation to a Property or part thereof;
 - (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;
 - (f) order the Owner of the Property to take and provide the results of, at the Owner's expense, such tests and samples as are specified in the order.
- 5.4 Employees or agents of the Town may enter the Property at any reasonable time without a warrant in order to effect the Repairs or demolish a Building where an order to do so made under this by-law has been confirmed and has not been complied with, or where an emergency order has been issued and the Danger has not been immediately terminated.
- 5.5 Property Standards Committee
- (a) Council shall appoint at large three (3) citizens to the Committee for a term of office concurrent with that of Council.
 - (b) Each member of the Committee, appointed by Council, shall be entitled to an honorarium as provided by Council for their attendance at Committee meetings.
 - (c) The members of the Committee shall elect one of themselves as a chairperson and when the chairperson is absent the Committee may appoint another member to act as chairperson.
 - (d) The secretary of the Committee or any member of the Committee may administer oaths.
 - (e) The secretary of the Committee shall take the minutes of the Committee hearing and shall keep on file, minutes, exhibits and records of all applications and the Committee decisions.
 - (f) Every Person wishing to appeal an order made by an Officer shall submit a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served the order, pursuant to the *Building Code Act*.
 - (g) Every Person who appeals an order made by an Officer shall pay a non-refundable fee, as established by the Town of Halton Hills Finance User Fee By-law, as amended from time to time. The fee is to be submitted at the same time as the notice of appeal is filed.

5.6 Powers of Property Standards 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 Town of Halton Hills Official Plan:

- (a) confirm, modify or rescind the order to Repair or demolish; and
- (b) extend the time for complying with the order.

5.7 Appeal to Superior Court of Justice

Any Owner or Occupant or Person affected by a decision under section 5.6 may appeal to the Superior Court of Justice by notifying the clerk of the Town in writing and by applying to the court within 14 days after a copy of the decision is sent.

5.8 Certificate of Compliance

Where a Property is in compliance with an order and an Owner of the Property has requested and paid a fee as established by the Town of Halton Hills *Finance User Fee By-law*, as amended from time to time, an Officer shall issue a Certificate of Compliance.

PART 6 – DEMOLITION OR REPAIR BY THE CORPORATION

6.1 If the Owner of a Property fails to effect the Repairs or demolish a Building in accordance with the requirements of an order that is deemed confirmed, pursuant to the provisions of the *Building Code Act*, or that is confirmed or modified by the Committee or a judge, the Town, in addition to all other remedies:

- (a) shall have the right to effect the Repairs or demolish a Building accordingly and, for these purposes, with its employees and agents from time to time, may enter into and upon the Property,
- (b) shall not be liable for a person acting on its behalf to compensate the Owner, Occupant or other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under the provision of this by-law, and
- (c) shall have a priority lien on the land for the amount spent on the Repair or demolition, pursuant to the *Municipal Act, 2001*.

PART 7 – PENALTY FOR NON-COMPLIANCE

7.1 Every Person who fails to comply with an order under this by-law, which order is confirmed pursuant to the provisions of the *Building Code Act*, is guilty of an offence, pursuant to the *Act*, and on conviction is liable to a penalty or penalties as set out in the *Act*.

PART 8 – WALKWAYS, DRIVEWAYS AND PARKING LOTS

8.1 A private walkway shall be provided from the entrance of every Building to a public street or private road or to a private driveway having access to a public street or private road.

- 8.2 Every private walkway, driveway, parking area, laneway and any similar area shall be maintained in Good Repair so as to afford safe passage under normal use and weather conditions.
- 8.3 Every step and hard surface intended for use as a private walkway, driveway, parking area, laneway or any similar area shall be:
- (a) free of potholes or uneven sections,
 - (b) adequately graded and drained in order to prevent excessive ponding of water, and
 - (c) maintained free from excessive dust.

PART 9 - SNOW REMOVAL

- 9.1 The Owner of a Property containing a Multiple Dwelling, and the Owner of a commercial, industrial and institutional Property, any part of which is accessible by the general public, shall:
- (a) maintain all walkways and access routes to all Buildings so as to be kept free of ice and snow 24 hours after a snowfall;
 - (b) maintain all ramps and access routes leading to garages so as to be kept free of snow and ice 24 hours after a snowfall; and
 - (c) maintain all exterior parking areas, including laneways, so as to be kept free of snow and ice 24 hours after a snowfall.

PART 10 – MAINTENANCE OF YARDS

- 10.1 Every Yard shall be kept clean and free of Litter, salvage and from objects or conditions that might create a Nuisance, or a health, fire, safety or accident hazard.

- 10.2 Firewood for domestic use:

- (a) cut into pieces that would fit into a fireplace, wood stove, or other wood burning appliance on the Property where the wood is being stored;
- (b) shall be neatly piled not less than 1.50 metres (5 feet) from a lot line;
- (c) shall be stored at a height of not more than 1.50 metres (5 feet) from natural grade;
- (d) May only be stored in the rear and/or side Yard if the total area used for this storage is not more than 15% of the combined area of the rear and side Yards; and
- (e) Notwithstanding Subsection 10.2 (d), firewood for domestic use may also be stored in a front Yard provided that:
 - (i) the Property is located outside of the Georgetown and Acton urban boundaries, as shown on Schedule A1 of Town of Halton Hills Zoning By-law 2010-0060, as amended.
 - (ii) firewood in the front Yard is no closer than 10 metres (32.8 feet) to the Street Line,
 - (iii) the total area used to store the firewood in the front yard does not cover more than 5% of the front yard area, and
 - (iv) the total area used to store the firewood does not cover more than 15% of the combined area of the front, side and/or rear Yards.

- 10.3 No land, Building or Accessory Building shall be used for the dumping or disposing of garbage or trade waste of any kind whatsoever, except lands, Buildings or Accessory Buildings owned or operated by the Town or the Regional

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Municipality of Halton as a sanitary landfill, or a disposal transfer site or a recycling depot that is a permitted land use under the Town's *Zoning By-law*, as amended from time to time.

- 10.4 No land shall be used for the parking, storing or placing of any Vehicle, boat, machinery, mechanical equipment, appliance, any part or parts thereof, or any similar item, which is in an inoperable, discarded or dismantled state or condition, or is in a state of disrepair, or is in an apparently disused condition.
- 10.5 Every exterior refuse, storage and collection area, including containers and Receptacles, shall be maintained in a safe, clean, sanitary, odour free and tidy condition.
- 10.6 Where the outside storage of goods, materials and equipment is permitted in accordance with the applicable land use by-law and is determined to be a Nuisance, such goods, materials and equipment shall be effectively screened by a Fence that relieves an unsightly condition that is out of place and not in harmony with the surrounding area, to the satisfaction of the Officer.
- 10.7 All accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, or are out of place and not in harmony with the surrounding area, shall be removed.
- 10.8 Every excavation that is 1.20 metres (4 feet) or deeper shall be protected by a temporary barrier that is:
 - a) a minimum of 1.07 metres (3 feet 6 inches) in height;
 - b) maintained in a structurally sound condition; and
 - c) maintained in Good Repair.

PART 11 – LANDSCAPING, GRADING AND STANDING WATER

- 11.1 All Yards, with the exception of natural areas, shall be graded and provided with a suitable Ground Cover to prevent the recurrent ponding of water and unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all Buildings.
- 11.2 No Person shall permit a depression, excavation or debris located on a Property to contain standing water for a period in excess of seven (7) days.
- 11.3 A tree or other plant, or a limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the Property or otherwise pruned to remove the dead, diseased, decayed or damaged portions of the tree or plant.
- 11.4 All hedges, shrubs, trees, or other plants shall be planted and maintained in a manner that does not:
 - (a) obstruct the safe passage of vehicular traffic or pedestrians;
 - (b) constitute an obstruction of view for vehicular traffic or pedestrian passage;
 - (c) wholly or partially conceal or interfere with the use of any hydrant or water valve; or
 - (d) overhang or encroach upon any public sidewalk or Town owned walkway.
- 11.5 Where landscaping, hedges, trees, Fences, screen walls or other buffering has been required by the Town, as a condition of development or redevelopment of a Property, such requirements shall be maintained in Good Repair and in the case of living materials in a living condition. Required trees, hedges and landscaping

material shall be replaced as often as necessary to ensure that the intent of the original requirement is adhered to.

PART 12 – GARBAGE AND DEBRIS STORAGE AND DISPOSAL

- 12.1 Garbage and refuse shall be stored in Receptacles and all garbage bags shall be temporarily stored within an enclosed garage, Accessory Building or in a covered garbage Receptacle until collection, and shall be removed in accordance with by-laws of the Regional Municipality of Halton or alternatively the Owner or Occupant shall cause a private refuse collection service to remove all garbage, rubbish, ashes, trade-waste or other refuse from the Property on a regular basis.
- 12.2 Every Property shall be provided with a garbage storage facility or a sufficient number of suitable Receptacles that:
- (a) are of an adequate size so as to contain all garbage, debris or refuse generated by the Occupants,
 - (b) are rodent and pest proof,
 - (c) are provided with tight-fitting covers,
 - (d) are washed and disinfected as often as is necessary to maintain in a clean and odour-free condition, and
 - (e) where stored or placed for disposal outside the enclosing walls of the Building or Accessory Building shall be adequately screened to the satisfaction of the Officer.
- 12.3 An operational garbage chute system in a Multiple Dwelling shall be maintained in Good Repair.
- 12.4 Every exterior bulk or roll off garbage system shall be equipped with a cover or similar device and shall not be left open, unless actively engaged in being loaded or unloaded.

PART 13 – RETAINING WALLS, FENCES AND OTHER BARRIERS

- 13.1 All retaining walls, Fences and other barriers shall be:
- (a) maintained in a structurally sound condition,
 - (b) plumb, unless specifically designed to be other than vertical,
 - (c) maintained in Good Repair,
 - (d) protected by paint or other weather resistant material, and
 - (e) free from safety or accident hazards.
- 13.2 Where the condition of a retaining wall, Fence or other barrier creates an unsafe or hazardous condition, the Owner shall remove or Repair the Fence, retaining wall, or other barrier, or provide a written report prepared by a professional engineer licensed to practice in the Province of Ontario confirming the structural integrity of the retaining wall, Fence or other barrier.
- 13.3 Where a retaining wall, Fence or other barrier obstructs visibility, thereby creating an unsafe condition, the Owner shall remove the retaining wall, Fence or other barrier, or take such steps as may be required to remedy the obstruction.

PART 14 – SOUND BARRIER WALLS

- 14.1 Every sound barrier wall shall:

- (a) be structurally sound;
- (b) be maintained in a safe condition;
- (c) be maintained in Good Repair;
- (d) not be used as a support for any structure, object or thing that could exert a lateral force against or upon the sound barrier wall; and
- (e) be uniform in appearance in relation to those sections of the wall that are located on adjacent properties but form part of the same stretch of sound barrier wall.

PART 15 – POOLS AND POOL ENCLOSURES

15.1 Every Pool and any appurtenance thereto shall be maintained:

- (a) in Good Repair,
- (b) free from leaks,
- (c) free from safety or accident hazards, and
- (d) in accordance with the Town's *Pool Enclosure By-law*, as amended from time to time.

15.2 Every pool enclosure shall be maintained in a structurally sound condition and in Good Repair, free from safety or accident hazards.

15.3 No Person shall permit a swimming pool, hot tub or landscape pool to contain standing water for a period in excess of seven (7) days.

15.4 Every Pool shall be kept clean and free of standing water, and any such pool that is not so maintained, or is unused, shall be:

- (a) drained of all water found therein;
- (b) properly filled with clean fill; and
- (c) left in a graded condition.

PART 16 – GRAFFITI

16.1 All Property including Buildings, Fences and other objects shall be kept clean of Graffiti at all times and shall be restored, resurfaced and coordinated to the exterior finish of the object.

PART 17 – AERIALS, SATELLITE DISHES, SOLAR PANELS AND WIND TURBINES

17.1 All aerials, satellite dishes, solar panels, wind turbines and other similar structures and their supporting members shall be maintained in a safe condition and in Good Repair.

PART 18 – SANITARY SEWAGE DISPOSAL

18.1 Sanitary sewage shall be discharged into a Sanitary Sewage System.

18.2 When a sanitary sewer has not been installed on a street or road, all sewage from each Property abutting the street or road shall be discharged into a private sewage disposal system on the subject property, and each such system shall be constructed/installed and maintained in accordance with the *Building Code Act* if the design capacity is 10,000 litres per day or less. If the capacity is more than 10,000 litres per day then the system shall be approved by and maintained in accordance with the *Environmental Protection Act*.

PART 19 – BUILDINGS AND ACCESSORY BUILDINGS

19.1 Every Building and Accessory Building shall:

- (a) be free from hazards,
- (b) be maintained in Good Repair,
- (c) be constructed and maintained with suitable and uniform materials, and
- (d) have exterior surfaces protected by paint or other weather resistant material so as to provide protection from weather, insects or vermin.

19.2 Dilapidated or collapsed Buildings or Accessory Buildings shall be Repaired or demolished.

19.3 Every Building and Accessory Building, or parts thereof, that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and, where applicable, in accordance with all relevant governmental legislation.

PART 20 – VACANT, UNOCCUPIED AND DAMAGED BUILDINGS AND ACCESSORY BUILDINGS

20.1 The Owner of any vacant, unoccupied Building or Accessory Building shall protect the Building or Accessory Building against the risk of fire, accident or other peril, by effectively securing the Building or Accessory Building to prevent the entrance of unauthorized persons.

20.2 Where a Building or Accessory Building is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent Danger to Persons, or to remove any conditions which might endanger Persons on or near the Property, and the Building or Accessory Building shall be properly supported, secured and barricaded until the necessary Repair or demolition can be carried out.

20.3 Where a Building or Accessory Building is barricaded, the barricade shall be:

- (a) a minimum of 2.13 metres (7 feet) to a maximum of 2.74 metres (9 feet) in height from grade,
- (b) not climbable,
- (c) locked at all points of entry,
- (d) maintained in a structurally sound condition and in Good Repair,
- (e) maintained free from safety or accident hazards, and
- (f) protected by paint or other weather resistant material.

20.4 Where the locking of doors, windows and other openings is not sufficient to prevent entry to a Building or Accessory Building damaged by fire, storm or other causes, or to a Building that is unoccupied or partially unoccupied, entry shall be prevented as follows:

- (a) by covering all windows, doors and other openings in the Building or Accessory Building that provide a means of entry with plywood or an equivalent material that shall be securely fastened and tight-fitting and said covering shall have a thickness of not less than 1.59 centimetres (5/8 inches) and shall be secured with nails or screws which are not less than 7.62 centimetres (3 inches) in length and which are spaced at intervals of not more than 5.08 centimetres (2 inches); or
- (b) by blocking up all windows, doors and other openings in the Building or Accessory Building that provide a means of entry with bricks or masonry units held in place by mortar.

- 20.5 All material used for securing vacant or unoccupied Buildings or Accessory Buildings shall be covered and maintained with a preservative that is reasonably comparable in colour with the exterior finish of the vacant or unoccupied Building or Accessory Building.
- 20.6 Where a Building or Accessory Building remains unoccupied for a period of 90 days or more, the Owner shall ensure that all utilities serving the Building or Accessory Building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the Property or adjoining Property.

PART 21 – OCCUPANCY STANDARDS FOR BUILDINGS AND DWELLING UNITS

- 21.1 A Non-Habitable Space shall not be used as a Habitable Space.
- 21.2 The minimum floor area of a room used by only one person for sleeping shall be 6 square metres (64.59 square feet), with the room having a minimum dimension on one side of 2 metres (6.56 feet).
- 21.3 The minimum floor area of a room used by two or more persons for sleeping shall be 4 square metres (43.06 square feet) for each person so using the room.
- 21.4 Every Habitable Space shall have:
- (a) a minimum room height of not less than 1.95 metres (6 feet 5 inches) over the required floor area and in any location that would normally be used as a Means Of Egress; or
 - (b) a minimum room height of not less than 2.03 metres (6 feet 8 inches) over at least 50% of the required floor area, provided that any part of the floor area having a clear height of less than 1.40 metres (4 feet 7 inches) shall not be considered in computing the required floor area.
- 21.5 The maximum number of Occupants in a Dwelling Unit shall not exceed one person per 9 square metres (96.88 square feet) of Habitable Space floor area. Any child under one (1) year of age shall not be counted when computing the number of Occupants. Any child over one (1) year but less than twelve (12) years shall be deemed one-half person for the purpose of determining compliance with this section.
- 21.6 Every common area of a Building shall be kept free of Litter, and health, fire, safety or accident hazards.

PART 22 – EGRESS

- 22.1 Every Multiple Dwelling and each Dwelling Unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the Multiple Dwelling and the Dwelling Unit to the outside at street or grade level and such egress shall not be through any other Dwelling Unit, service room or other occupancy.
- 22.2 Every Means of Egress shall be maintained in Good Repair and free of objects or conditions that constitute a fire, safety or accident hazard.

PART 23 – STRUCTURAL SOUNDNESS

- 23.1 Every part of a Building or Accessory Building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the loads that it was designed and constructed to support.
- 23.2 No Structural Element of a Building or Accessory Building shall be added, removed, Repaired or modified in any manner until a building permit, where required, has been obtained from the Chief Building Official.
- 23.3 If in the opinion of the Officer there is reasonable doubt as to the structural adequacy or condition of the Building or Accessory Building, or parts thereof, the Officer may order that such Building or Accessory Building, or parts thereof be examined, and a written report be prepared by a professional engineer licensed to practice in the Province of Ontario, at the Owner's expense.
- 23.4 The written report required in Section 23.3, including drawings where required, signed and stamped by said engineer and giving details of the findings and proposed Repair methods, shall be submitted to the Officer.
- 23.5 Forthwith following submission of the report to the Officer or, where required, the issuance of a building permit, the Owner shall Repair, or cause to be Repaired, the Building or Accessory Building, or parts thereof, in accordance with the proposed Repairs described in the report, at the expense of the Owner.
- 23.6 On completion of all the work, a report signed and stamped by the professional engineer that all the work has been completed to their satisfaction and specifications shall be submitted to the Officer.

PART 24 – FOUNDATIONS

- 24.1 The foundation walls and the Basement or Crawl Space shall be structurally sound and maintained in Good Repair so that they may effectively support all designed loads imposed upon them and where necessary shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting of masonry cracks, parging and water proofing of the walls or floors.

PART 25 – EXTERIOR AND INTERIOR WALLS AND CEILINGS

- 25.1 Every canopy, marquee, awning, fire escape, stand pipe, exhaust duct, and similar overhanging extension shall be:
- (a) properly anchored,
 - (b) maintained in Good Repair, and
 - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment so as to prevent deterioration that affects the appearance of the Building.
- 25.2 Every exterior wall of a Building and its components shall be maintained in Good Repair and free from cracked, broken or loose masonry units, stucco, defective cladding or trim, stonework and other unsecured objects and materials and any improperly secured objects and materials shall be removed, Repaired or replaced.
- 25.3 The exterior wall of every Building shall be properly painted or otherwise treated, Repaired and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

- 25.4 Any opening or hole in an exterior wall of a Building that is not protected by a door, window or skylight shall be maintained in a weather-tight condition to prevent drafts or leakage and shall be protected by suitable materials to prevent the entry of rodents, vermin and insects.
- 25.5 Every interior wall and ceiling shall be free of holes, cracks and damaged and deteriorated surface material, and each Repair shall be finished to reasonably match the existing wall or ceiling.
- 25.6 Every wall and ceiling shall be adequately sealed or gas proofed to prevent the passage of gases and exhaust fumes from a garage into a Dwelling Unit.

Amended
by By-law
2015-0027

PART 26 –EXTERIOR AND INTERIOR DOORS AND WINDOWS

- 26.1 Every door, storm door, screen door, door frame, window, skylight, and hatchway to an attic, Crawl Space, or to a roof shall be:
- (a) maintained in Good Repair,
 - (b) a good fit in its frame,
 - (c) maintained in a weather-tight condition to prevent drafts or leakage,
 - (d) protected by a screen or other suitable material to prevent the entry of rodents, vermin and insects, and
 - (e) free from defects and missing components.
- 26.2 Every self-closing device and all necessary hardware for a door shall be maintained in Good Repair to ensure the proper operation of the door.
- 26.3 Every Dwelling or Dwelling Unit located wholly or partly above the First Storey with free-swinging or free-sliding windows shall be equipped with a child-proof safety device to prevent the opening of the window more than 10 centimetres (4 inches) measured either vertically or horizontally where the other window dimension is more than 38 centimetres (15 inches).
- 26.4 A child-proof safety device required in section 26.3 shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 26.5 Notwithstanding section 26.3, a child-proof safety device is not required on a window where:
- (a) the only opening is at the top of the window; or
 - (b) the top surface of the window sill is more than 48 centimetres (1 foot 7 inches) above the finished floor on one side of the window.
- 26.6 Every window and exterior door of a rental Dwelling Unit shall be equipped with a mechanism so that it can be secured from the inside.
- 26.7 At least one entrance door in a rental unit shall be capable of being locked from outside the rental unit.
- 26.8 A door between an attached or built-in garage and a Dwelling Unit shall:
- (a) be tight-fitting and weatherstripped to provide an effective barrier against the passage of gases and exhaust fumes,
 - (b) be fitted with a self-closing device, and
 - (c) not be located in a room intended for sleeping.

- (f) maintained in Good Repair.

PART 29 – INTERIOR FLOORS, STAIRS AND LANDINGS

Amended by By-law 2015-0027

29.1 Every interior floor, landing, stair, ramp, or similar interior structure, coverings of every interior landing, stair, ramp or similar interior structure, all interior treads and risers, interior Guards and handrails and all supporting structural members shall be maintained free from any defect which may constitute a safety or accident hazard.

Amended by By-law 2015-0027

29.2 Every interior Guard and handrail shall be installed and maintained in accordance with the *Ontario Building Code* so as to afford reasonable protection against injury to any person in or on a Property.

Amended by By-law 2015-0027

THAT Section 29.3 through 29.8 interior floors, stairs and landings be deleted in their entirety.

PART 30 – KITCHENS

30.1 Every kitchen shall have a sink with hot and cold potable water.

30.2 Every kitchen shall be provided with an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances.

30.3 Every kitchen shall have a suitable food storage area excluding the area under the sink of not less than 0.23 cubic metres (8 cubic feet).

Amended by By-law 2015-0027

30.4 Every sink, supplied kitchen appliance, and kitchen cabinet shall be maintained in Good Repair.

Amended by By-law 2015-0027

30.5 Every kitchen counter in which a sink is installed shall have a backsplash and a drain board made of material impervious to water.

PART 31 – WASHROOMS

31.1 Every Dwelling Unit shall contain at least one Washroom comprised of a toilet, washbasin and bathtub or shower.

Amended by By-law 2015-0027

31.2 Every Washroom shall:

- (a) be enclosed,
- (b) have a water resistant floor, and counter tops,
- (c) have a door that can be secured from the inside,
- (d) have a door that can be opened from the outside in an emergency, and
- (e) have all cabinets maintained in Good Repair.

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

PART 32 – PLUMBING

32.1 All Plumbing, Plumbing fixtures and Plumbing Appliances in every Building and Accessory Building shall be maintained in good working order so as to be free from leaks, defects and obstructions and protected from freezing.

- 32.2 Every Dwelling, Dwelling Unit, and commercial, industrial and institutional occupancy shall be provided with an adequate supply of potable running hot and cold water from a source approved by the Medical Officer of Health or through a Regional waterworks system.
- 32.3 Every Dwelling, Dwelling Unit, and commercial, industrial and institutional occupancy shall be supplied with hot water that is at least 45⁰ Celsius (113⁰ Fahrenheit), after running for 60 seconds.
- 32.4 Every fixture supplied with separate hot and cold running water controls shall have the hot water control on the left and the cold water control on the right.

PART 33 – HEATING AND AIR CONDITIONING

- 33.1 Every heating and air conditioning system, unit or part thereof shall be:
- (a) maintained in Good Repair,
 - (b) maintained in good working condition at all time,
 - (c) securely anchored,
 - (d) maintained free from any defect that may cause unnecessary noise or vibration, and
 - (e) maintained in a clean condition.
- 33.2 Every air conditioner shall be equipped with adequate devices for the prevention of condensation drainage onto any entrance, sidewalk or pathway.
- 33.3 Heat shall be provided in a Dwelling Unit and maintained so that the room temperature at 1.50 metres (5 feet) above floor level and 1 metre (3 feet 3 inches) from exterior walls in all Habitable Spaces and in any area intended for normal use by Tenants, including recreation rooms and laundry rooms, but excluding locker rooms and garages, is at least 21⁰ Celsius (70⁰ Fahrenheit).
- 33.4 No Person shall obstruct, hinder, delay or prevent the Medical Officer of Health, or any person acting under his direction or instruction, in the exercise of any power conferred or performance of any duty imposed by this by-law.
- 33.5 Every fireplace and other solid fuel burning appliance shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed and maintained in Good Repair so as to be free from leaks, defects and obstructions.
- 33.6 Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment, directly from the outside.
- 33.7 Where heating equipment burns solid or liquid fuel, a storage place or container for the fuel shall be:
- (a) provided in a safe place,
 - (b) maintained in a safe condition, and
 - (c) maintained in accordance with all applicable governmental regulations.
- 33.8 Auxiliary heating equipment approved for use by a recognized standards testing authority may be provided for temporary use in a room used or intended for use for sleeping purposes but shall not be used as a primary source of heat.
- 33.9 Fuel shall be supplied to a Dwelling or Dwelling Unit continuously in adequate quantities.
- 33.10 Utilities shall be supplied to a Dwelling or Dwelling Unit continuously.

33.11 Sections 33.9 and 33.10 do not apply where the tenancy agreement makes the Tenant responsible for the supply of fuel or utilities and the supply has been discontinued because of any arrears in payment.

33.12 Fuel and utilities may be interrupted for such reasonable period of time as required for the purpose of Repair or replacement.

PART 34 – ELECTRICAL SERVICES

- 34.1 Every Building shall be wired for electricity and shall be connected to an approved electrical supply system, in accordance with the *Ontario Electrical Safety Code*.
- 34.2 The electrical wiring, fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in Good Repair so as not to cause fire or electrical shock hazards, in compliance with the *Ontario Electrical Safety Code*.
- 34.3 Extension cords shall not be used as a permanent wiring system.

PART 35 – LIGHTING

- 35.1 The required window area shall not be less than 5% of the total floor area for living rooms and dining rooms, and 2.5% for bedrooms, provided that there is no conflict with egress or ventilation requirements.
- 35.2 Every Habitable Space and every Washroom, hallway, furnace room, service room, stairway, passageway, Basement, and laundry room shall be provided with at least one light fixture providing sufficient illumination for the size of the room or space.
- 35.3 Artificial lighting, every standard supporting artificial lighting, the connections thereto and every lighting fixture shall be maintained:
- (a) in a safe condition,
 - (b) in good working order, and
 - (c) in Good Repair.
- 35.4 An exterior lighting outlet with fixture controlled by a wall switch located within the Building shall be provided at every entrance to Buildings of residential occupancy.

PART 36 – VENTILATION

- 36.1 Every Habitable Space in a Dwelling shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet) or an approved system of mechanical ventilation.
- 36.2 Every system of mechanical ventilation shall be:
- (a) maintained in a safe condition,
 - (b) maintained in good working order and
 - (c) kept clean.
- 36.3 Every system of mechanical ventilation for a Washroom shall provide hourly air exchanges and be complete with a back draft damper, and a minimum fan capacity of 50 cfm, ventilating directly to the outdoors.
- 36.4 Notwithstanding section 36.3, every Washroom in a Dwelling may have an opening for ventilation providing an unobstructed free flow of air.
- 36.5 Laundry drying equipment shall have a dedicated exhaust duct discharging directly to the outdoors.
- 36.6 The exhaust duct required in section 36.5 shall be kept clear of any obstruction.

PART 37 – MOULD

- 37.1 Every Building shall be maintained free of Mould.
- 37.2 Removal of Mould shall be done by a person using personal protection and proper clean up methods, in accordance with section 4.3 of this by-law.
- 37.3 The Owner may be required to hire a contractor experienced in water damage and mould remediation to complete the remedial work.
- 37.4 The Owner may be required to provide an initial environmental assessment report from a Professional Engineer with a Masters in Occupational Hygiene, a Certified Industrial Hygienist, or a Registered Occupational Hygienist, that identifies, and details, a remediation plan, to mitigate the following:
- a) the extent of Mould contamination and the identity of the any contributory source,
 - b) any indoor pesticide contamination and sources of exposure,
 - c) the extent of water damage and indoor moisture problems, and
 - d) other items as the Officer may deem necessary.
- 37.5 Forthwith following submission of the report to the Officer or, where required, issuance of a building permit, the Owner shall Repair, or cause to be Repaired, the Building in accordance with the proposed repairs described in the report, at the expense of the Owner.
- 37.6 The Owner shall provide the Officer with a verification report written by the Professional Engineer with a Masters in Occupational Hygiene, the Certified Industrial Hygienist, or the Registered Occupational Hygienist that the work proposed in their report has been completed in accordance with the generally accepted guidelines and protocols in the industry.
- 37.7 Environmental reports required in 37.4 and 37.6 shall be prepared in accordance with “Guidance Document: Environmental Assessment for Mould in Marijuana Grow Houses”, July 2007 edition, Halton Region Health Department.
- 37.8 The Owner may be required to provide a report written by a Heating Refrigeration Air Condition Institute (HRAI) certified heating and ventilation contractor that includes details of the inspection of the appliances and ductwork, any findings, and a remediation plan if required by the Officer.
- 37.9 The Owner shall provide the Officer with a verification report written by the Heating Refrigeration Air Condition Institute (HRAI) certified heating and ventilation contractor that any remediation work proposed in their report has been completed in accordance with the generally accepted guidelines and protocols in the industry.
- 37.10 Where the Building has been structurally altered, a signed statement from a Professional Engineer licensed to practice in the Province of Ontario, complete with their Professional Engineering stamp, declaring that the Building is structurally sound is required.

PART 38 – ELEVATING DEVICES

- 38.1 Every elevator shall be:
- (a) certified to be in good working order; and
 - (b) in compliance with the *Technical Standards & Safety Act, 2000*.

38.2 Elevators and other elevating devices, including all mechanical and electrical equipment, lighting, fixtures, lamps, control buttons, floor indicators, ventilation fans, emergency communication systems and any similar device shall be operational and maintained in Good Repair.

PART 39 – VOICE COMMUNICATION SYSTEMS

39.1 In Multiple Dwellings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between Dwelling Units and a secured entrance area, said system shall be maintained in Good Repair.

PART 40 – MAIL

40.1 A separate and locked mailbox or mail receptacle shall be provided for each Dwelling Unit in a Multiple Dwelling and shall be maintained in Good Repair at all times.

40.2 In commercial, industrial and institutional occupancies, where there is a mailroom, access to the mailroom shall be restricted to ensure the security of the mail.

PART 41 – PEST PREVENTION

41.1 Every Building or Accessory Building shall be kept free of rodents, vermin, insects, and other pests at all times.

41.2 Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.

41.3 Every opening or hole that might permit the entry of rodents, vermin, insects or other pests shall be appropriately screened or sealed.

PART 42 – SIGNS

42.1 Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn or cracked finish, shall be removed or refinished and put in a good state of Repair so that the Signs are free from defects or faded lettering or as may be additionally required pursuant to the Town of Halton Hills *Sign By-law*, as amended from time to time.

42.2 Signs and Sign structures that are not maintained in Good Repair or are discarded shall be Repaired or removed from the Property.

42.3 Signs shall be maintained so that the information conveyed by the Sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

PART 43 – DESIGNATED HERITAGE PROPERTIES

43.1 DEFINITIONS

43.1.1 “Built Heritage Specialist” means a person with heritage experience and who is a member of the Canadian Association of Heritage Professionals and/or a member of the Royal Architectural Institute of Canada.

- 43.1.2 "Designated Heritage Property" means Property designated under Part IV or Part V under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended.
- 43.1.3 "Designation By-Law" means a By-law enacted by Council pursuant to Section 29 or Section 41 of the *Ontario Heritage Act* that identifies Property and/or a defined area or areas to be of cultural heritage value or interest.
- 43.1.4 "Heritage Attributes" shall have the meaning set out in the *Ontario Heritage Act* and for greater certainty means:
- (a) 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 are defined, described or that can be reasonably inferred:
 - (i) in a by-law designating a Property passed under Section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
 - (ii) in a Minister's order made under Section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
 - (iii) in a by-law designating a Heritage Conservation District passed under Section 41 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reasons for designation or otherwise; or
 - (iv) in the supporting documentation required for a by-law designating a Heritage Conservation District, including but not limited to a Heritage Conservation District Plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise;
 - (b) the elements, features, or Building components that support or protect the Heritage Attributes, without which the Heritage Attributes may not be conserved, including but not limited to roofs, walls, floors, retaining walls, foundations and structural systems.
- 43.1.5 "Heritage Conservation District" means a geographic district established under Part V of the *Ontario Heritage Act*.
- 43.1.6 "Heritage Conservation District Plan" means a plan adopted by Council under Part V of the *Ontario Heritage Act* to provide direction in the preservation of the Heritage Attributes of a Heritage Conservation District.
- 43.1.7 "Maintenance" in this Part, means routine, cyclical, non-destructive actions necessary to slow the deterioration of a Designated Heritage Property including the following: periodical inspection; Property cleanup; gardening and Repair of landscape features; replacement of broken glass in windows; minor exterior Repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design; repainting where there is little or no change in colour; re-pointing areas of wall space under 1.5 square metres; caulking and weatherproofing; and any other work defined as maintenance in a Designation By-law, or a Minister's Order made pursuant to Section 34.5 of the *Ontario Heritage Act*.
- 43.1.8 "Part IV Heritage Property" means real Property designated by the Town under section 29 or 34.5 of the *Ontario Heritage Act*.
- 43.1.9 "Part V Heritage Property" means real Property designated by the Town under section 41 of the *Ontario Heritage Act*.
- 43.1.10 "Ontario Heritage Act" means the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended.

43.2 MINIMUM STANDARDS

43.2.1 In addition to the minimum Standards for the maintenance and occupancy of Property set out elsewhere in this By-law, the Owner of a Designated Heritage Property shall:

- (a) maintain, preserve, and protect the Heritage Attributes so as to maintain the heritage character, visual, and structural integrity of any and all Buildings, structures, or constructions located on the Property;
- (b) maintain the Property in a manner that will ensure the protection and preservation of the Heritage Attributes.

43.3 ALTERATIONS TO DESIGNATED HERITAGE PROPERTIES

43.3.1 Despite any other provision of this By-law no Designated Heritage Property shall be altered except as Maintenance pursuant to this By-law or pursuant to the *Building Code Act* and to the approval requirements under the *Ontario Heritage Act*.

43.4 REPAIR OF HERITAGE ATTRIBUTES

43.4.1 Despite any other provision in this By-Law, where a Heritage Attribute of a Designated Heritage Property can be Repaired, the Heritage Attribute shall not be replaced and shall be Repaired:

- (a) In a manner that minimizes damage to the Heritage Attribute based upon recognized national and international best practices;
- (b) In a manner that Maintains the design, colour, texture, grain, or other distinctive feature of the Heritage Attribute;
- (c) Using the same material as the original and in keeping with the design, colour, texture, grain, and any other distinctive features of the original; and
- (d) Where the same types of material as the original are no longer available, using Town-approved alternative materials that replicate the design, colour, texture, grain, or other distinctive feature, and appearance of the original material.

43.5 REPLACEMENT OF HERITAGE ATTRIBUTES

43.5.1 Despite any other provision in this By-law, where a Built Heritage Specialist determines that a Heritage Attribute of a Designated Heritage Property cannot be Repaired the Heritage Attribute shall be replaced:

- (a) Using the same types of material as the original;
- (b) Where the same types of material as the original are no longer available, using Town-approved alternative materials that replicate the design, colour, texture, grain, or other distinctive features and appearance of the original material;
- (c) In such a manner as to replicate the design, colour, texture, grain, and other distinctive features and appearance of the Heritage Attribute; and

- (d) By documenting the removal of the original material by photographs, to-scale drawings, and/or any means identified by a Built Heritage Specialist.

43.6 CLEARING AND LEVELING OF DESIGNATED HERITAGE PROPERTIES

43.6.1 Despite any other provision of this By-law no Building or structure located on a Designated Heritage Property may be altered, demolished, removed, or relocated except in accordance with to the *Building Code Act* and the *Ontario Heritage Act*.

43.7 VACANT DESIGNATED HERITAGE PROPERTIES

43.7.1 Despite any other provision of this By-Law or the *Building Code Act* where a Designated Heritage Property is vacant, the Owner shall ensure that appropriate utilities serving the Property are connected, as required, in order to provide, maintain, and to monitor proper heat and ventilation to prevent damage to the Heritage Attributes.

43.7.2 The Owner shall protect the Property against risk of fire, storm, inclement weather, neglect, intentional damage, or damage by other causes by effectively preventing entrance to it of all animals and unauthorized persons, and by closing and securing openings to any structures with boarding. The boarding shall be installed in such a way that minimizes damage to any Heritage Attribute, is reversible, and minimizes visual impact.

43.7.3 If not already in place, an exterior lighting fixture shall be installed and/or Maintained in the front porch, veranda, or area adjacent to the front entrance of the Building or structure, and must be activated by motion sensors, and shall maintain an average level of illumination of at least 50 lux at ground level.

43.8 CONFLICT

43.8.1 If there is a conflict between this Part and any other provision of this By-law or any other Town by-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

PART 44 – VALIDITY

44.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or if it be found to be of no force and effect, it is the intention of Council that each and every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

PART 45 – TRANSITIONAL RULES

45.1 After the date of passing of this by-law, *By-law 2004-0060*, as amended, applies only to properties in respect of which an order has been issued prior to the date of the passing of this by-law, and then only to such Properties until such time as the work required by such order has been completed or any enforcement proceedings in respect of such order, including repair and demolition by the Town, have been concluded.

PART 46 – REPEAL

46.1 Except for the purpose as set out in Part 44 of this by-law, *By-law 2004-0060*, as amended, is hereby repealed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 8th day of December, 2008.

MAYOR – Rick Bonnette

CLERK – Debbie Edmonds