

TABLE OF CONTENTS

PROPERTY STANDARDS BY-LAW NUMBER 856 - 79

<u>Section</u>	<u>Contents</u>	<u>Page</u>
1.	Title	1
2.	Definitions	1 & 2
3.	Application	3
4.	Property Standards Officer	3
5.	Property Standards Committee	4
6.	Certificate of Compliance	4
7.	Penalties	5
8.	Power of Town to Repair or Demolish	5 & 6
9.	Property Standards By-law 381-76	6
10.	Repeal of 381-76	6

PROPERTY STANDARDS BY-LAW

BY-LAW NUMBER 856-79

THE CORPORATION OF THE TOWN OF WHITBY

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF WHITBY.

WHEREAS the Municipal Council of the Corporation of the Town of Whitby, pursuant to the provisions of Section 36 of the Planning Act, deems it desirable to enact and pass the following By-law for prescribing standards for the maintenance and occupancy of property within the Town of Whitby and prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards or for the sites thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

AND WHEREAS there is in effect in the Town of Whitby an Official Plan that includes provisions relating to property conditions.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY ENACTS AS FOLLOWS: -

1. Title

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

2. Definitions

The definitions as set forth herein shall apply to the interpretation of this By-law.

(1) "Owner" includes the person for the

## 2.(1) (cont'd)

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 a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (2) "Occupant" means any person or persons over the age of eighteen years in possession of the property;
- (3) "Property" means a building or structure or part of a building or structure, 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 property;
- (4) "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

3. Application

- (1) This by-law shall apply to all property within the Town of Whitby.
- (2) The standards for the maintenance and occupancy of property set forth in Schedule "A" to this by-law are hereby prescribed and adopted as the minimum standards for the Town of Whitby and said Schedule "A" is hereby enacted and adopted as part of this by-law.
- (3) No owner of property shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any property which does not comply with the provisions and regulations set forth in Schedule "A" and any property which does not comply, shall be repaired and maintained to comply with the standards set out in said Schedule "A" or the site thereof shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.

4. Property Standards Officer

The Council of the Town shall by resolution, appoint a Property Standards Officer hereafter referred to as the Officer who shall be responsible for the administration and enforcement of this by-law and who shall hold office during the pleasure of Council and until such time as a new Officer has been appointed by a resolution of Council.

5. Property Standards Committee

(1) There shall be and is hereby established a Property Standards Committee of five ratepayers of the Town of Whitby who shall hold office for a period of three years from the 1st day of January of the year of such appointment provided that in making the first five appointments to the Committee that Council shall stipulate that two members shall hold office for three years; two members shall hold office for two years; and one member shall hold office for one year.

(2) In the event of a vacancy or expiry of term, Council shall appoint the necessary member or members.

(3) Each member of the Committee shall be paid such remuneration as Council may from time to time by resolution, provide.

6. Certificate of Compliance

Following inspection of a property the Officer may, or on the request of the owner, shall issue to the owner a Certificate of Compliance, if in the opinion of the Officer, the property is in compliance with the standards of this by-law. When a Certificate of Compliance is specifically requested by the owner, the owner shall pay to the Town of Whitby a fee of \$50.00 which shall be collected by the Officer at the time of the issuance of such certificate.

By-law Number 856-79

7. Penalties

- (1) Any owner in contravention of an order that is final and binding shall forfeit and pay a penalty not exceeding \$500.00 for each day of contravention.
- (2) Subject to subsection (1) any person convicted of a breach of any other provision of this by-law shall forfeit any pay at the discretion of the convicting judge a penalty not exceeding (exclusive of costs) the sum of \$1,000.00 for each offence.

8. Power of Town to Repair or Demolish

If the owner or occupant of property fails to repair or to demolish the property in accordance with an order which has been given by the Officer and has become final and binding pursuant to the provisions of Section 36 of The Planning Act, the Corporation of the Town of Whitby in addition to all other remedies: -

- (a) shall have the right to repair or demolish the property accordingly and may for this purpose, enter in and upon the property with its servants and agents from time to time;
- (b) shall not be liable to compensation to such owner, occupant, or any other person having an interest in the property by reason of any act done by or on behalf of the Town of Whitby under the provisions of this section;

By-law Number 856-79

8. (Cont'd)

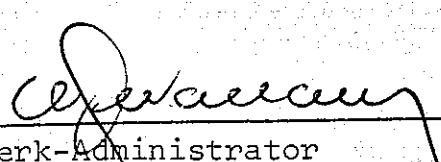
(c) shall have a lien for any amount expended by, or on behalf of the Town of Whitby under the authority of this section, together with interest thereon, upon the property in respect of which amount was expended, and the Certificate of the Clerk of the Town as to such amount, shall be final and such amount shall be deemed to be taxes and may be added to the Collector's Roll to be collected in the same manner as Municipal Taxes.

9. Property Standards By-law 381-76

- (1) The Property Standards Officer appointed under the provisions of By-law 381-76 shall continue to hold office as the Property Standards Officer under this By-law until a new Officer has been appointed under Section 4 of this By-law.
- (2) The Property Standards Committee appointed under the provisions of By-law 381-76 shall continue as the Property Standards Committee under this By-law until new appointments have been made under the provisions of Section 5 of this By-law.
- (3) Any orders or proceedings which have been commenced under By-law 381-76 shall continue under the provisions of said By-law 381-76.

10. Except as provided in the aforementioned Section 9., By-law 381-76 is hereby repealed.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY  
PASSED THE 25TH DAY OF JUNE, A.D., 1979

  
Clerk-Administrator

  
Mayor

SCHEDULE "A"

<u>Section</u>	<u>Contents</u>	<u>Page</u>
1.	General	7
2.	Definitions	7 - 12
3.	Occupancy Standards of Residential Properties	12 & 13
4.	Maintenance of Yards	13 - 15
5.	Drainage of Yards	15 & 16
6.	Yard Safety	16 & 17
7.	Sewage	17
8.	Accessory Buildings & Structures	18
9.	Structural Soundness of Buildings	18
10.	Exterior Walls, Columns & Beams	18 & 19
11.	Roof & Roof Structures	19
12.	Foundations	20
13.	Exterior Stairs & Balconies	20
14.	Windows and Exterior Doors	21
15.	Eavestroughing	21
16.	Interior Walls, Ceilings and Floors	22
17.	Garbage Storage	22 & 23
18.	Fuel Burning Appliances, Etc.	23 & 24
19.	Sewage Facilities	24 & 25
20.	Plumbing	25
21.	Water Facilities	25 & 26
22.	Toilet & Bathroom Facilities	26 - 28
23.	Kitchen Facilities	28
24.	Heating System	28 & 29
25.	Electrical Service	29
26.	Light	29 & 30
27.	Ventilation	30 & 31
28.	Building Safety Requirements	31 & 32
29.	Fire Detection Equipment	32 & 33

SCHEDULE "A"

TO THE PROPERTY STANDARDS BY-LAW

SETTING FORTH THE STANDARDS

OF PROPERTY PRESCRIBED BY THIS BY-LAW

DEFINITIONS AND GENERAL PROVISIONS

1. GENERAL

(1) Scope

The definitions as set forth in Section 2 of this Schedule shall apply to the interpretation of this Schedule.

(2) Interchangeability

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(3) Terms Not Defined

Where terms are not defined they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

2. DEFINITIONS

- (1) "ACCESSORY BUILDING" means a detached building or structure subordinate to a main building or structure and, without limiting the generality of the foregoing, includes a building or structure the use of which is incidental to that of a main building or structure.

## 2. (Cont'd)

- (2) "BASEMENT" means that portion of a building between two floor levels which is partly underground but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.
- (3) "BATHROOM" means a room containing a bathtub or shower with or without water closet and basin.
- (4) "BUILDING" means any structure used or intended for supporting or sheltering any use or occupancy.
- (5) "BUILDING CODE" means Building Code as defined under the Building Code Act 1974 of the Province of Ontario including any regulations made thereunder.
- (6) "CELLAR" means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (7) "DWELLING" means a building or structure or part of a building or structure which is, or is intended to be used or has been used for the purpose of human habitation, and includes a building that would be used or would be intended to be used for such purposes, except for its state of disrepair, and shall include every building on a residential property other than an accessory building.
- (8) "DWELLING UNIT" means one or more rooms located within a dwelling used or intended to be used for human habitation by one or more persons as a separate and independent housekeeping unit.

By-law Number 856-79

2. (Cont'd)

- (9) "EXTERMINATION" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places, by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognized and appropriate means of pest elimination.
- (10) "FENCE" means a structure at grade erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting ingress or egress to or from an open space.
- (11) "FIRE RESISTANCE RATING" means the rating assigned to any element or assembly that has been tested in accordance with the requirements of the Building Code.
- (12) "FIRE SEPARATION" means a barrier against the spread of fire and smoke having a fire resistance rating as required, in accordance with the definition under the previous subsection, and having all openings protected with approved fire doors.
- (13) "GARBAGE" means the animal and vegetable waste, and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.
- (14) "GOOD REPAIR" means that a building, structure or appurtenance thereto including mechanical equipment shall be maintained in such a condition so as to be free from accident or fire hazards, structurally sound, in good working order and not unsightly by reason of deterioration, damage or defacement.
- (15) "HABITABLE ROOM" means any room in a dwelling used or intended to be used for living, eating, sleeping or cooking.

By-law Number 856-79

## 2. (Cont'd)

- (16) "MULTIPLE DWELLING" means a building or combination of buildings containing three or more dwelling units, or five or more rooming units, or a combination of rooming and dwelling units totalling five or more, and which building or buildings are located on the same lot and which lot is retained under one ownership, and shall include a lot registered under the provisions of The Condominium Act.
- (17) "NON-HABITABLE ROOM" means any room in a dwelling or dwelling unit other than a habitable room, and includes bathroom, toilet room, laundry, lobby, communicating corridor, stairway, closet, basement, boiler room, or space for service and maintenance of the dwelling or public use or for access or vertical travel between storeys.
- (18) "PARKING AREAS" means that portion of any yard that is set aside or used for the parking of automobile and other motor vehicles.
- (19) "PROPERTY" means a building or structure or part of a building or structure 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 property.
- (20) "REPAIR" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in the by-law. Repairs and repaired have a corresponding meaning.

By-law Number 856-79

2. (Cont'd)

- (21) "RESIDENTIAL PROPERTY" means any property upon which a building has been erected containing within its walls one or more dwelling units or rooming units and which may in addition, contain other accessory uses and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion of which has been used, is used, or is capable of being used for the purpose of human habitation, but shall not include any dwelling or other buildings located on a parcel of land in excess of 4.85 Hectares (12 acres) providing such parcel of land is primarily used for agricultural purposes and such dwelling is occupied by a person actively engaged in the use of said lands for agricultural purposes.
- (22) "NON-RESIDENTIAL PROPERTY" means property other than residential property.
- (23) "ROOMING UNIT" means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to a person for gain.
- (24) "RUBBISH" means any combustible or non-combustible discarded or waste materials except garbage.
- (25) "STRUCTURALLY SOUND" means construction capable of withstanding the forces acting thereon when the building or structure is loaded in accordance with the provisions of the Building Code and having a factor of safety equivalent to that required by the Building Code.
- (26) "TOILET ROOM" means a room containing a water closet.
- (27) "TOWN" means the Corporation of the Town of Whitby.

By-law Number 856-79

## 2. (Cont'd)

- (28) "UNSAFE CONDITION" means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.
- (29) "COMBUSTION DETECTOR" shall mean a product of combustion detector (including the single station alarm type) which has been approved by Underwriters Laboratories of Canada (U.L.C.).
- (30) "PRODUCTS OF COMBUSTION DETECTOR" shall mean a type of detector for the detection of the presence of one or more of the products of combustion of a fire based on the ionization principle, resistance bridge method or cloud chamber effect, and automatically initiating a signal indicating this condition.
- (31) "VENTILATION" means the process of supplying or removing air by natural or mechanical means to or from any space.
- (32) "YARD" means the lands, other than public highways around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.

3. OCCUPANCY STANDARDS OF RESIDENTIAL PROPERTIES

- (1) The number of persons residing in a dwelling unit or rooming unit of a multiple dwelling shall not exceed one person for each 9.3 sq. meters (100 sq.ft.) of the total floor area of all the habitable rooms within the dwelling unit or rooming unit.
- (2) For the purpose of computing the total floor area of the habitable rooms in Subsection (1) and the floor

By-law Number 856-79

## 3. (Cont'd)

- (2) area in Subsection (3), the minimum ceiling height shall be 2.1 meters (7. ft.) over at least one half of the required floor area. Any part of the floor having a clear height of less than 1.4 meters (4 ft. 6 in.) shall not be considered in computing the required floor area. No room shall be considered a habitable room if located so that more than one-half its height is below the level of the ground adjacent to its exterior walls.
- (3) No room in a multiple dwelling shall be used for sleeping purposes unless it has a minimum width of 1.8 meters (6 ft.) and a floor area of at least 6 sq. meters (65 sq.ft.) and further, a room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 sq. meters (40 sq.ft.) for each person so using the room.
- (4) No room in any dwelling shall be used for the purpose of eating, sleeping or cooking if located in a cellar where more than one half its height is below the level of the ground adjacent to its exterior walls.

4. MAINTENANCE OF YARDS

- (1) All yard areas shall be maintained in good condition and shall comply with the following: -
- (a) be free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable, clean receptacles for removal by the Town;
  - (b) be free from the excessive growth of weeds and grasses;
  - (c) to be kept free of all rodents and injurious insects;



4. (Cont'd)

- (1) (h) all sodded and grass covered areas shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance.
- (2) (a) All sidewalks, driveways and parking areas on any residential property upon which there is located a multiple dwelling shall be maintained in a safe and accident free condition and shall be kept evenly graded, free from potholes and unevenness;
- (b) all sidewalks, driveways, ramps, parking areas, outside stairs and landings on any residential property upon which there is located a multiple dwelling shall be kept clear of ice and snow.
- (3) In all non-residential properties, every walkway, driveway and parking area shall be surfaced with a material such as stone, gravel, concrete, asphalt or other material capable of providing a hard and stable surface, and shall be maintained in good repair.

5. DRAINAGE OF YARDS

- (1) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon, or the drainage of such water into a basement or cellar, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided, however, that the grade level of such exterior property shall not be altered so as to either impede the natural flow of water through such property from any adjoining property nor as to cause the drainage of storm water

5. (Cont'd)

- (1) onto any adjacent property unless such alteration is in accordance with a lot grading plan approved by the Director of Public Works for the Town of Whitby.
- (2) The storm water run-off from all downspouts or impervious surfaces, and the drainage of water from all swimming pools, shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a naturally created swale or watercourse, or to an artificially created ditch or watercourse that has been approved or constructed by the Town. Such drainage shall be extended to take the storm water run-off from all roof and other artificially created impervious surfaces except that the aforementioned extension may be omitted if appropriate measures are taken to ensure that such storm water run-off is self-contained on the premises as heretofore described, and further, that said storm water will not collect thereon in such a manner as to endanger or create a nuisance to persons on or adjacent to the premises.

6. YARD SAFETY

- (1) All collapsed or dilapidated buildings or structures shall be removed from the premises.
- (2) (a) Where any structure has been damaged by fire, explosion, or by any other natural force, all damaged materials shall be immediately removed from the premises, dwelling or any accessory buildings or temporarily placed within a building which shall be locked and barricaded to prevent entry, and;

6. (Cont'd)
- (2) (b) the structure shall be repaired to its original condition or the building shall be demolished; or the damaged portion removed and the property left in a graded and levelled condition.
- "Repair" shall include refinishing the exterior walls so as to be in harmony with adjoining undamaged exterior walls.
- (3) All artificial lighting standards and support structures for signs and fixtures shall be kept in "good repair".
- (4) Unused refrigerators or freezers shall not be stored on the property unless the doors to the same are securely locked or the hinges of the refrigerator or freezer door are removed.
- (5) (a) All wells shall be capped with a structurally secure material such as concrete or similar material and shall be maintained in good repair.
- (b) Every excavation, trench or ditch which could present a hazard, shall be filled with a suitable material so that the cavity is level with the surrounding grade.
- (6) Children's play areas and playground equipment on any property upon which there is located a multiple dwelling shall be kept and maintained in good repair.
7. SEWAGE
- Sewage and water from waste pipes shall not be discharged on to the surface of the ground, whether into a natural or artificial drainage system or otherwise.
- All sewage shall be discharged into the sewerage system in the Municipality or a private sewage disposal system approved by the Medical Officer of Health.

8. ACCESSORY BUILDINGS AND STRUCTURES

- (1) All fences, radio and television towers and other structures and all accessory buildings shall be kept in good repair.
- (2) All fences and the exterior of any accessory building shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.
- (3) All accessory buildings shall be kept free of all rodents, termites or other injurious insects.

9. STRUCTURAL SOUNDNESS OF BUILDINGS

- (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight to which it may be subject through normal use.
- (2) Objects or materials which are attached to, or form part of a building, including among other things, canopies, marquees, signs, awnings, cellar stairways, fire escapes, standpipes, exhaust pipes or ducts, and similar overhanging extensions; and which have been broken, damaged, or which show evidence of dry rot or other deterioration, shall be removed, repaired or replaced, and maintained in good repair.

10. EXTERIOR WALLS, COLUMNS AND BEAMS

- (1) The exterior walls and components of a building shall be maintained so as to be weather-tight, free from loose or unsecure objects and in good repair.

10. (Cont'd)

- (2) The exterior walls of a building and their components shall be maintained so as to retard deterioration due to weather, insects or other causes. Where necessary, they shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, waterproofing of joints and of the wall itself, installing or repairing of termite shields, treating the soil with chemicals or using other suitable means.
- (3) The provisions of subsections (1) and (2) shall not apply to farm buildings (other than the farm dwelling) that are used solely for farming or agricultural purposes.

11. ROOFS AND ROOF STRUCTURES

- (1) A roof of a building including the fascia board, soffit and cornice shall be maintained in a watertight condition so as to prevent leakage of water into the building. Every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components and the application of paint or other preservative.
- (2) All radio and television aerials, lightning arrestors, air-conditioning units or similar roof-top apparatus; chimneys; stacks; pipes; vents; and lighting; shall be maintained in good repair.
- (3) The provisions of subsections (1) and (2) shall not apply to farm buildings (other than the farm dwelling) that are used solely for farming or agricultural purposes.

12. FOUNDATIONS

- (1) The foundation walls of a building shall be maintained in good repair so as to prevent settlement detrimental to the appearance or safety of the building or the entrance of insects, rodents, or excessive moisture into the building. Without limiting the generality of the above, in residential properties, maintenance shall include the shoring or underpinning of the walls, installing subsoil drains at the footings, the grouting of masonry cracks, waterproofing of the walls and joints, and the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance or the safety of the building.
- (2) The provisions of subsection (1) shall not apply to farm buildings (other than the farm dwelling) that are used solely for farming or agricultural purposes.

13. EXTERIOR STAIRS AND BALCONIES

- (1) All outside stairs, balconies, verandahs, porches and any ramp or platform and every other outside appurtenance to the property shall be maintained in good repair; and all treads or risers that show excessive wear or are broken, warped or loose, and all supporting members that are broken, rotted or deteriorated, shall be repaired or replaced, and shall all be maintained weather-resistant through the use of paint or other preservatives.
- (2) All balustrades, handrails and support structures shall be adequate to safely support persons using the same and, the spindles shall be so placed as to prevent small children from climbing through.

By-law Number 856-79

14. WINDOWS AND EXTERIOR DOORS

- (1) Windows, exterior doors and basement or cellar hatchways of a building shall be maintained in good repair, and all openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building, and rotted or damaged doors, door frames, window frames, sashes and casings and defective door and window hardware and broken window-glass shall be repaired or replaced.
- (2) The perimeter of all windows and door frames shall be sealed to prevent deterioration of both the unit and of the wall itself by penetration of moisture.
- (3) In multiple dwellings all openable windows, and doors leading directly to the outside, shall be screened in order to prevent the entrance of insects, termites and other pests, and all such doors and windows shall be properly secured in order to prevent their easy removal or opening by small children, and shall be maintained in good repair.
- (4) In multiple dwellings, all doors to the exterior or to a common entrance or exit system shall have locking devices installed and such devices shall be maintained at all times in good repair.

15. EAVESTROUGHING

Where eavestroughing is provided, every eavestrough, roof gutter and down pipe shall be maintained in good repair. Repair includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative.

By-Law Number 856-79

16. INTERIOR WALLS, CEILINGS, FLOORS AND STAIRWAYS

- (1) The surface of every wall or ceiling and every appurtenance thereto in a dwelling, shall be maintained in good repair.
- (2) Every floor in a dwelling shall be maintained in good repair.
- (3) The floors, ceilings and walls of every dwelling shall be kept free from such dampness or moisture as may constitute a danger to health or safety, but this shall not apply to non-habitable rooms wholly or partly below grade.
- (4) Every floor, wall, ceiling, furnishing and fixture in a dwelling shall be maintained in a sanitary condition, and the dwelling shall be kept free from rubbish or other debris.
- (5) In all buildings, interior stairs and landings shall be so installed, and maintained, so as to provide a safe passage from one level to another, and shall be capable of providing support to loads to which they may be subjected. All broken, warped, loose or badly worn parts shall be repaired or replaced. All stairs shall be provided with a handrail except that open stairs shall have handrails on the open sides.

17. GARBAGE STORAGE

- (1) All garbage shall be stored in a sanitary manner in appropriate containers and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a health hazard.

17. (Cont'd)

- (2) Where garbage or refuse is stored within a multiple dwelling such storage area shall be: -
- (a) kept in a clean and sanitary condition;
  - (b) so screened to prevent the entry of insects, rodents and vermin into the storage area;
  - (c) provided with the necessary screens and/or shields to prevent the entry of insects, vermin or rodents into any portion of a dwelling; and,
  - (d) ventilated by both natural and mechanical ventilation systems so as no noxious odours enter any portion of the dwelling.
- (3) (a) All garbage containers and receptacles located in a yard on any property upon which there is located a multiple dwelling shall be screened from view and shall be provided with covers so that the material contained therein is not exposed to view or to insects or other pests.
- (b) The garbage contained in such containers or receptacles shall be removed from the property at least once a week.

18. FUEL BURNING APPLIANCES, EQUIPMENT, CHIMNEYS AND VENTS, ETC.

- (1) All fuel burning appliances and equipment and appurtenances whether for heating, cooking, or air-conditioning, located in or attached to a building shall be installed, maintained and properly vented in order to: -
- (a) Operate in a manner as to present no preventable safety hazard to the building, its occupants, components, or contents;

18. (Cont'd)

- (1) (b) prevent the heating of combustible material and structural members above a safe temperature;
- (c) prevent the entrance of gases or fumes into the building.
- (2) Every chimney, smoke pipe, flue and gas vent shall be maintained so as to prevent the leakage of gases into a building with all joints sealed and all broken or loose masonry repaired and kept free of obstructions so as to be in a safe and fire resistant condition.

19. SEWAGE FACILITIES

- (1) Where the facilities of a sewerage system of the Regional Municipality of Durham are located on the street upon which the lot fronts and such street is within 30 meters(100 feet)of any dwelling, every such dwelling shall be connected thereto providing permission for such connection can be obtained from the Regional Municipality of Durham.
- (2) Where facilities of a regional municipal sewerage system are not available or connection to the system is for any reason not permitted or required and the land area is of sufficient size and the soil conditions such that a septic tank system or equivalent system can be provided, such a system approved by the Medical Officer of Health shall be provided for each dwelling.

19. (Cont'd)

- (3) Where the facilities of a regional municipal sewerage system are not available and where a septic tank or equivalent system cannot be installed, no dwelling shall be occupied unless a sewerage disposal method approved by the Medical Officer of Health is provided.
- (4) If an adequate septic tank system or equivalent system is at the date of the passing of this By-law being used to service a dwelling, occupancy of such dwelling is hereby permitted notwithstanding the provisions of paragraph (2) provided: -
- (a) That such sewerage system is approved in writing by the Medical Officer of Health;
- (b) That such sewerage system is at all times functioning in an efficient and proper manner in order to adequately service such dwelling.

20. PLUMBING

- (1) All plumbing, including every drain pipe, water pipe, water closet, and other plumbing fixtures in a dwelling and every connecting line to the sewerage system or other approved disposal method shall be maintained in good repair.
- (2) All water pipes and appurtenances thereto shall be protected from freezing.
- (3) Each plumbing fixture shall be connected to the sewerage system or other approved disposal method through a water seal trap.

21. WATER FACILITIES

The owner of any dwelling shall not occupy such dwelling or rent or permit the occupancy of the same unless the following water facilities are provided: -

21. (Cont'd)

- (1) Where the facilities of a water system of the Regional Municipality of Durham are located on the street upon which the lot fronts and such street is within 30 meters (100 ft.) of any dwelling, every such dwelling shall be connected thereto providing permission for such connection can be obtained from the Regional Municipality of Durham.
- (2) Where facilities of a Regional Municipal water system are not available or connection to the system is for any reason not permitted or required, every dwelling shall be supplied with an adequate supply of potable running water.
- (3) If an adequate supply of potable running water is at the date of the passing of this by-law being used to service a dwelling from a source other than a Regional Municipal water system, occupancy of a dwelling is hereby permitted notwithstanding the provisions of Subsection (1) of this Section provided: -
- (a) Such system is approved in writing by the Medical Officer of Health;
- (b) the water is tested annually and such test indicates that such water is potable.

22.

TOILET AND BATHROOM FACILITIES

- (1) Except as otherwise provided in Subsection (5) of this Section, every dwelling unit and rooming unit shall contain the following toilet and bathroom facilities: -
- (a) A wash basin;
- (b) a bathtub or shower;
- (c) a standard flush type toilet.

22. (Cont'd)
- (2) Every wash basin, bathtub or shower required by this By-law shall have an adequate supply of cold water, and hot water capable of being drawn from the tap at a temperature of at least 49 degrees Celsius.
  - (3) Adequate running water shall be provided for every standard flush type toilet.
  - (4) Every bathtub, shower and toilet shall be fully enclosed within a room equipped with a door capable of being closed to secure privacy, and shall be separated from any room that is used for the preparation, cooking, storing, or consumption of food or for sleeping purposes, and shall be located within the dwelling unit or rooming unit, except as otherwise provided in Subsection (5) of this Section, providing that nothing in this section shall be deemed to prevent the erection or use of a shower located in the basement or cellar of a dwelling unit, the privacy of which is secured by a shower curtain providing such shower is for the exclusive use of the occupants of such dwelling unit.
  - (5) The requirements of Subsection (1) and (4) of this Section shall not prevent the occupants of a residential property from sharing a toilet or wash basin or bathtub or shower provided that access to a toilet and wash basin and bathtub or shower can be had without going through a room or rooms of another dwelling unit or rooming unit and provided that at least one toilet, wash basin and bathtub or shower is supplied for each six persons, or fraction thereof, who share the said facilities. This Subsection shall not apply to limit the number of occupants of a dwelling unit or rooming unit who have sole access to and control over the facilities specified in Subsection (1) of this Section.

22. (Cont'd)

- (6) The wash basin required by this By-law shall be in the same room as the toilet.

23. KITCHEN FACILITIES

Every dwelling unit shall be supplied with lower kitchen cabinets and counter top of a minimum of 1.8 meters ( 6 ft.) in length by 56 centimeters (22 inches) in depth, including a kitchen sink, and a minimum of 5.5 meters ( 18 ft.) of top shelving approximately 31 centimeters (12 inches) in width.

24. HEATING SYSTEM

- (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 21 degrees Celsius at .9 meters (3 ft.) above floor level and .9 meters ( 3 ft.) and more from exterior walls in all habitable rooms, bathrooms, and toilet rooms when the temperature outside the dwelling is -21 degrees Celsius.
- (2) The heating system shall be maintained in good repair, in accordance with recognized standards, so as to be capable of heating the dwelling safely to the standards specified in Subsection (1) of this Section.
- (3) All fuel shall be stored in a safe manner.
- (4) In multiple dwellings with a central heating system, the same shall be located in a separate room having a minimum one hour fire separation from the remainder of the building.

24. (Cont'd)

- (5) In a multiple dwelling a space that contains a heating unit or incinerator, which requires combustion air, shall have natural or mechanical means of supplying the required combustion air from outside the building.

25. ELECTRICAL SERVICE

- (1) Every dwelling shall be wired for electricity, and lighting equipment shall be installed throughout to provide reasonable illumination in normal use.
- (2) Every habitable room and laundry area in a dwelling shall have at least one electrical duplex convenience outlet in good repair.
- (3) The capacity of the electrical service connection to a dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use of the dwelling.
- (4) The electrical wiring and all electrical fixtures, equipment and appliances located or used in a dwelling shall be installed and maintained in good repair.
- (5) Every bathroom, toilet room, laundry room, furnace room, hall, stairway, basement, cellar, non-habitable work room and kitchen in a dwelling shall be provided with a permanent electrical light fixture that shall be maintained in good repair.
- (6) Both the interior and exterior of all exits shall be adequately lighted by artificial means and maintained in good repair.

26. LIGHT

- (1) Every habitable room in a dwelling, except a kitchen, shall have a window or windows, skylights, translucent

26. (Cont'd)

- (1) panels or glass area of an outside door, that faces directly to the outside space at least .9 meters (3 ft.) wide and at least 15 centimeters (6 inches) above adjoining finished grade, or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to 5 per cent of the floor area of the room.
- (2) All common halls, vestibules, stairways, interior and exterior means of egress and exits, enclosed or underground automobile parking areas in multiple dwellings shall be provided with an adequate degree of illumination at all times.

27. VENTILATION

- (1) Every habitable room in a dwelling, except a living room or dining room, shall have an opening or openings for natural ventilation, located in the exterior walls or through openable parts of skylights, providing a minimum aggregate unobstructed free flow area of .2 sq. meters (2 sq. ft.); provided, however, that an opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the total volume of air once an hour.
- (2) Every bathroom or toilet room in any building shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights providing a minimum aggregate unobstructed free flow area of .1 sq. meter (1 sq. ft.), provided, however, that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as

27. (Cont'd)
- (2) an electrical fan with a duct leading to outside the building, and which operates continuously or is activated by the light switch for the bathroom or toilet room, or by other approved means.
  - (3) Where an aperture such as a window, skylight or louvre is used for ventilation, the aperture shall be maintained so as to be easily opened or closed, and all systems of mechanical ventilation or air-conditioning shall be maintained in good repair.
  - (4) Every attic, basement, cellar and unheated crawl space of a dwelling shall be adequately vented to the outside air. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than one percent of the floor area and, for an unheated crawl space, a number of louvres with insect screens of corrosion-resistant material are provided.

28. BUILDING SAFETY REQUIREMENTS

- (1) Every dwelling unit or rooming unit shall have a means of access so as to provide a safe, continuous and unobstructed means of egress from the interior of such unit to an exit at street or grade level without the necessity of passing through a room or rooms that is or are occupied by or are under the control of any other dwelling unit or rooming unit.
- (2) Where a dwelling contains a dwelling unit or rooming unit located other than on the ground floor or the first floor above ground floor of the said dwelling, there shall be a secondary means of egress to an exit at street or grade level.

28. (Cont'd)

- (3) A means of egress as referred to in paragraphs (1) and (2) above, shall not pass through an attached garage, a built-in-garage or an enclosed part of any other building.
- (4) All safety equipment, relative exits and means of egress, such as doors, closures, co-ordinating devices, and astragals, smoke seals and pressurized vestibules, latching devices, hinges and the like, shall be maintained in good repair.
- (5) Fire doors shall be maintained in a closed position at all times when not in actual use.
- (6) Exit signs shall be illuminated at all times and maintained in good repair.
- (7) Stairways and landings shall be capable of providing support to loads for which they are intended and maintained in good repair.
- (8) Balustrades and handrails and supporting structures shall be adequate to safely support persons using the exit facility and the spindles shall be so placed as to prevent small children from climbing through.

29. FIRE DETECTION EQUIPMENT

- (1) Effective on or after January 1st, 1980, every rented dwelling unit and every rooming unit shall be provided with at least one combustion detector and such combustion detector shall be installed by the property owner and shall at all times be maintained in good working condition.

29. (Cont'd)

(2) The combustion detector shall be installed in the following areas of the rented dwelling units and rooming units: -

(a) Rented Dwelling Unit: -

In the ceiling of the hallway or corridor leading to the bedrooms in such location as to be audible within all bedrooms when the bedroom doors are closed.

(b) Rooming Unit: -

Where the rooming unit consists of only one room then the said combustion detector shall be installed in the ceiling of such room.

Where the rooming unit consists of more than one room then the combustion detector shall be installed in the ceiling in the room or hallway immediately adjoining the bedroom and in such location as to be audible within the bedroom when the bedroom door is closed.

(3) The combustion detector shall be: -

(a) Equipped with audible or visual indication that it is in operating condition, and;

(b) if connected, on the ceiling, to the buildings electrical supply, be permanently mounted to a standard electrical outlet or junction box, connected to a circuit without a disconnect switch and not interconnected with any wall outlet.

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 1427-82

BEING A BY-LAW TO AMEND BY-LAW 856-79 PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF WHITBY

BE IT ENACTED, AND IT IS HEREBY ENACTED as a by-law of the Corporation of the Town of Whitby by the Council thereof as follows:

1. That Section 29 (1) of Schedule "A" to By-law 856-79 be amended by deleting this Section in its entirety and inserting in its place and stead the following new Section 29 (1):
  - "29. (1) The property owner of every rented dwelling unit and every rooming unit shall: -
    - (a) Install at least one combustion detector in every rented dwelling unit and every rooming unit;
    - (b) Ensure that each combustion detector required to be installed in a rented dwelling unit or rooming unit is in good operating condition prior to the occupation of the unit by a new occupant; and,
    - (c) Restore every combustion detector to good operating condition within seventy-two (72) hours upon receipt of written notification from any person that a combustion detector requires maintenance or that a combustion detector is not in good operating condition."

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF OCTOBER, A.D., 1982.

  
CLERK

  
MAYOR



BEING A BY-LAW TO AMEND THE PROPERTY STANDARDS BY-LAW NO. 856-79 OF THE TOWN OF WHITBY PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF WHITBY

---

WHEREAS, the Council of the Corporation of the Town of Whitby has passed Property Standards By-law No. 856-79;

AND WHEREAS, the Council of the said Corporation is desirous of amending By-law No. 856-79;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. Subsection 2(32) of Schedule "A" to By-law 856-79 is revoked and the following substituted therefor:
  - 2.(32) "WATERFRONT PROPERTY" means that area of water which is immediately capable of use from the land together with that area of land adjacent to the water which is necessary to allow use of the above area of water.
2. Section 2 of Schedule "A" to By-law No. 856-79 is amended by adding thereto the following subsection:
  - 2.(33) "YARD" means the lands, other than public highways, around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.
3. Section 4 of Schedule "A" to By-law No. 856-79 is amended by added thereto the following subsection:
  - 4.(4) No vehicle or trailer or boat or ship or barge or mechanical equipment which is in a wrecked, discarded, dismantled or in an inoperative condition or is not in good repair shall be parked, stored, moored, or left on the lands or waterfront property.
4. The provisions of this by-law shall come into force and take effect on the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF SEPTEMBER, A.D., 1987.

  
CLERK

  
MAYOR

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2783-90

BEING A BY-LAW TO AMEND PROPERTY STANDARDS BY-LAW NO. 856-79 OF THE TOWN OF WHITBY PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF WHITBY

WHEREAS, the Council of the Corporation of the Town of Whitby has passed Property Standards By-law No. 856-79;

AND WHEREAS, Subsection 31(22) of the Planning Act, 1983, as amended, provides that an owner who fails to comply with an order that is final and binding under Section 31 of the said Act is guilty of an offence and on conviction 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 each subsequent offence;

AND WHEREAS, Subsection 31(22a) of the Planning Act, 1983, as amended, provides a notwithstanding Subsection 31(22) of the said Act, if a Corporation is convicted of an offence under Subsection 31(22), 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;

AND WHEREAS, Section 62 of the Provincial Offences Act, R.S.O. 1980, c. 400, as amended, provides that except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$5,000.00;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it advisable to amend the fine provisions of Property Standards By-law No. 856-79, as amended, in accordance with the provisions of the Planning Act, 1983, and the Provincial Offences Act;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. Section 7 of By-law No. 856-79, as amended, is revoked and the following substituted therefor:

7.(1) Any owner who fails to comply with an order that is final and binding is guilty of an offence and on conviction 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 each subsequent offence.

(2) Notwithstanding the provisions of Subsection 7(1) of this by-law, any Corporation which fails to comply with an order that is final and binding is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00 for a first offence and to a fine of not more than \$50,000.00 for each subsequent offence.

(3) Subject to Subsections 7(1) and 7(2) of this by-law, any person who contravenes any other provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for such an offence.

EFFECTIVE DATE

2. The provisions of this by-law shall come into force and take effect on the day Section 18 and Subsections 56(1) and 56(2) of the Provincial Penalties Adjustment Act, 1989, come into force.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 15TH DAY OF JANUARY, A.D., 1990.

  
CLERK

  
MAYOR

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 3797-96

BEING A BY-LAW TO AMEND PROPERTY STANDARDS BY-LAW NO. 856-79  
PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY  
WITHIN THE TOWN OF WHITBY

WHEREAS, the Council of the Corporation of the Town of Whitby has  
passed Property standards By-law No. 856-79;

AND WHEREAS, Property standards By-law No. 856-79, as amended,  
contains provisions relating to combustion detectors which have  
been made redundant as a result of the passing of Smoke Alarm By-  
law No. 3794-96;

AND WHEREAS, the Council of the Corporation of the Town of Whitby  
considers it advisable to amend By-law No. 856-79, as amended, to  
delete therefrom reference to combustion detectors;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby  
enacts as follows:

GENERAL

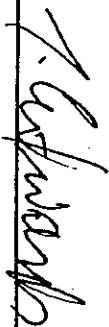
1. Subsections 2(29) and 2(30) of Schedule "A" to By-law No.  
856-79, as amended, are revoked.
2. Section 29 of Schedule "A" to By-law No. 856-79, as amended,  
is revoked.

EFFECTIVE DATE

3. The provisions of this by-law shall come into force and take  
effect on the 1st day of May, 1996.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
26TH DAY OF FEBRUARY, A.D., 1996.

  
CLERK

  
MAYOR