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**TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS**

**PROPERTY STANDARDS BY-LAW**

**BY-LAW NO. 45 - 02**

**A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND  
OCCUPANCY OF PROPERTY WITHIN THE MUNICIPALITY**

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**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE  
THOUSAND ISLANDS BY-LAW NUMBER 45-02**

A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS

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WHEREAS under Section 15.1(3) of the Ontario Building Code Act, S.O. 1992, c.23, 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 there are Official Plans in effect in Ward 1, Ward 2 and Ward 3 of the Township of Leeds and The Thousand Islands that include provisions relating to property conditions;

AND WHEREAS the Council of the Township of Leeds and The Thousand Islands deems it desirable to enact a property maintenance and occupancy standards by-law;

NOW THEREFORE Council of the Corporation of the Township of Leeds and The Thousand Islands hereby enacts as follows:

**SECTION 1 – GENERAL**

**1.1 Short Title**

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

**SECTION 2 – DEFINITIONS**

- 2.1 Accessory Building shall mean a building or structure not used for human habitation which is customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building, and may include boathouses and docks.
- 2.2 Balustrade shall mean a protective barrier with or without openings through it that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another
- 2.3 Basement shall mean 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 average of ground adjacent to the exterior walls of the building.
- 2.4 Bathroom shall mean a room containing at least a washbasin, water closet and bathtub or shower, or two rooms that contain in total at least one washbasin, one water closet and one bathtub or shower.
- 2.5 Boarding House shall mean a dwelling or portion thereof other than a hotel which is used for the accommodation of the public in addition to the proprietor or owner and his family in which lodging with or without meals is provided for compensation.
- 2.6 Building shall mean a structure having a roof supported by columns or walls or directly on the foundation and which is used or capable of being used for the shelter and accommodation of persons, animals or goods.

- 2.7 Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.
- 2.8 Committee shall mean the Property Standards Committee as established under this by-law.
- 2.9 Corporation shall mean the Corporation of the Township of Front of Leeds and Lansdowne.
- 2.10 Dwelling shall mean a building or part of a building occupied or capable of being occupied as the home or residence of one or more persons.
- 2.11 Dwelling Unit shall mean one or more habitable rooms designed for use and which are occupied or capable of being occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.12 Family shall mean one or more individuals whether or not related by blood, marriage or legal adoption, including domestic servants, nursing aids and gratuitous guests who live together in one dwelling unit and maintain a common household.
- 2.13 Fire Resistance Rating shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in the Ontario Building Code.
- 2.14 Foundation shall mean basement or cellar walls and footings through which the loads from a building are transferred to supporting soil or rock.
- 2.15 Habitable Room shall mean a room commonly used or intended to be used for living, dining or sleeping purposes including a bedroom, kitchen, den, library and enclosed sunroom, but not including any space used as a lobby, hallway, closet, bathroom, stairway, unfinished basement, cellar, unfinished attic or any other space used for service and maintenance of the dwelling unit.
- 2.16 Maintenance shall mean the preservation and keeping in good repair of a property.
- 2.17 Means of Egress shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window or other egress facility for the escape of persons from any point within a building floor area, room or contained open space to a public thoroughfare or approved open space.
- 2.18 Multiple Dwelling shall mean a building containing more than three dwelling units.
- 2.19 Multiple Use Building shall mean a building containing one or more dwelling units and a non-residential use.
- 2.20 Non-Habitable Space shall mean any space in a dwelling or dwelling unit other than a habitable room, including a bathroom toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service or maintenance or common use, unfinished basement or cellar, unfinished attic and space for access to and vertical travel between storeys.
- 2.21 Non-Residential Property shall mean any property that is not occupied or not capable of being in whole or in part as a domestic establishment and includes any land and buildings appurtenant thereto.

- 2.22 Noxious Weed shall mean any weed so classified by the Weed Control Act, R.S.O. 1980, Chapter 530 and regulations thereto, as amended from time to time.
- 2.23 Occupancy shall mean the use or intended use of a building or part thereof for the shelter and accommodation of persons, animals or goods.
- 2.24 Occupant shall mean any person or persons over the age of eighteen (18) years in possession of a property.
- 2.25 Officer shall mean a Property Standards Officer who has been assigned by Council of the Corporation the responsibility of administering and enforcing its property standards by-law.
- 2.26 Owner shall mean a person or persons who are in legal possession of a property and also includes a person who for the time being manages the property or receives rent for it or who pays municipal taxes on the property whether on his own account or as an agent or trustee of any other person, who would carry out the aforementioned duties if the property were let, and shall also include a lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 2.27 Person shall mean an individual, association, chartered organization, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.28 Property shall mean 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, accessory buildings, fences and structures thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.29 Public Building shall mean a building which is staffed by government or public agency personnel for the purpose of serving the public.
- 2.30 Repair shall mean the provision of such facilities and the making of such additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this by-law and applicable Provincial legislation.
- 2.31 Residential Property shall mean any property that is occupied or capable of being occupied as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any land, accessory building, fences and other structures thereon that are appurtenant to such an establishment.
- 2.32 Roomer or Lodger shall mean a person harboured, received or lodged in a lodging house or boarding house in return for compensation.
- 2.33 Sewage shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution but not including roof water or other storm runoff.
- 2.34 Sewage System shall mean the municipal sanitary sewage disposal system or private sewage disposal system approved by the Ministry of the Environment and/or its agents.
- 2.35 Standards shall mean the standards of physical conditions and occupancy prescribed for a property by this by-law.
- 2.36 Structure shall mean anything constructed or erected, the use of which requires location on the ground of a property or attachment to something having location on the ground.

- 2.37 Toilet Room shall mean a room containing a water closet and wash basin.
- 2.38 Wall shall mean the solid vertical structure forming any one of the sides of a building or a partition forming the side of a room.
- 2.39 Water Closet shall mean a waste disposal system flushed by water and other means of removal.
- 2.40 Yard shall mean open space other than publicly owned land appurtenant to any property or any part of a building or structure and used or capable of being used in connection with the said property.

### SECTION 3

#### MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

##### 3.1 Accessory Buildings

Accessory buildings shall be kept in good repair and free from health, fire and accident hazards.

##### 3.2 Drainage

- (1) Storm water shall be drained from a yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- (2) Roof or sump pump drainage shall not be discharged onto sidewalks, stairs, neighbouring property or into a sanitary sewerage system.
- (3) All reasonable means shall be taken to prevent the erosion of the soil in a yard.

##### 3.3 Sewage

- (1) Sewage or organic waste shall be discharged into a sewerage system where such a system exists, and disposed of in a manner acceptable to the Ministry of the Environment and/or its agents where such a system does not exist.
- (2) Sewage of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- (3) Notwithstanding subsections 3.3(1) and 3.3(2), the application of sewage and manure upon the surface of agricultural land in accordance with agricultural trade and practices or as approved by the Ministry of the Environment shall be exempt from the provisions of this section.

##### 3.4 Garbage Disposal

- (1) Every property shall be equipped with sufficient receptacles to store all garbage, refuse and waste in a clean and sanitary manner.
- (2) All garbage, refuse and waste shall be disposed of in a manner acceptable to the Corporation, Ministry of the Environment and/or its agents.

##### 3.5 Noxious Weeds

- (1) All properties shall be kept free from noxious weeds in accordance with the Weed Control Act, 1988 and amendments and regulations thereto.

### 3.6 Trees and Shrubs

- (1) No person shall have, plant, grow, maintain or permit on his property any hedge, shrub, plant or tree which does or may:
  - (a) affect the safety of the public; or
  - (b) affect the safety of vehicular pedestrian traffic; or
  - (c) constitute an obstruction of view for vehicular traffic; or
  - (d) wholly or partially conceal or interfere with the use of any hydrant or water valve; or
  - (e) overhang or encroach upon any sidewalk, pavement or travelled portion of any street or highway.

### 3.7 Fences

Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards.

### 3.8 Safe Passage

Steps, walks and driveways shall be maintained so as to afford safe passage under normal use and weather conditions.

### 3.9 Yards

- (1) All yards shall be kept clean and free of rubbish and other debris and from objects or conditions that might create a health, fire and accident hazard.
- (2) Any motor vehicle, boat, trailer, machinery, implement or parts thereof which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard where it will be reasonably visible from neighboring property or from any public road allowance unless the yard is classified as a wrecking yard in the Zoning By-law, but this shall not prevent the occupant of any property from repairing any of the aforelisted equipment for his own use but not for commercial purposes, while such repair is actively carried on.
- (3) All yards shall be kept reasonably free of excessive grasses and heavy undergrowth.
- (4) Wells shall be suitably covered so as not to constitute an accident hazard.
- (5) Fencing shall be erected around the perimeter of excavations so as to prevent accidents.

## SECTION 4

### MAINTENANCE OF BUILDINGS AND STRUCTURES

#### 4.1 Structural Soundness

- (1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it may be subjected through normal use.
- (2) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

#### 4.2 Pest Prevention

- (1) All property shall be kept reasonably free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provision of the Pesticides Act, R.S.O., 1980, Chapter 376, as amended from time to time and all regulations thereto.
- (2) Basement and cellar windows or ventilators used or required for ventilation and any other openings in a basement or cellar, including floor drains, that might permit the entry of rodents shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

#### 4.3 Foundations

- (1) Foundations shall be of masonry, concrete or other acceptable materials and capable of adequately supporting loads imposed on it and of providing a reasonably dry basement cellar or crawl space.
- (2) Foundations shall be maintained in good repair so as to be free of defective mortar joints or masonry.
- (3) Basements, cellars and crawl spaces shall be adequately drained and vented.

#### 4.4 Exterior Walls

- (1) Exterior walls and their components shall be free from loose, rotted and broken materials and objects, and such materials and objects shall be removed and/or repaired or replaced.
- (2) All exterior surfaces shall consist of materials which provide adequate protection from the weather.
- (3) Exterior walls and their components shall be adequate to support loads imposed on them and shall have an acceptable cladding or covering free of holes, cracks or excessively worn surfaces in order to prevent the entry of moisture into the building or structure, and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and walls themselves.

#### 4.5 Interior Walls and Ceilings

- (1) Every interior wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.
- (2) Where dwelling units are separated vertically, the dividing walls from the top of the footings to the underside of the roof deck and any space between the top of the wall and the roof deck shall be tightly sealed with caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the Ontario Building Code as amended from time to time.

#### 4.6 Roofs

- (1) All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering.



- (2) The roof including the fascia board, soffit, cornice and flashing shall be maintained in a water-tight condition so as to prevent leakage of water into the building.
- (3) Roofs shall be kept free from loose or unsecured objects and materials, dangerous accumulations of snow or ice, and all other fire and accident hazards.

#### 4.7 **Floors**

- (1) All floor construction components shall provide adequate support for all probable loads.

#### 4.8 **Doors and Windows**

- (1) All exterior openings of dwellings shall be fitted with doors or windows.
- (2) Exterior doors and windows, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building and minimize heat loss.
- (3) Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

#### 4.9 **Stairs, Porches and Balconies**

- (1) Inside or outside stairs, verandahs, porches, balconies or landings shall be maintained so as to be free of holes, cracks and other defects which might constitute an accident hazard, and all treads or risers that are broken, or loose, and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- (2) Stairwells or open stairways with five or more risers leading to a higher storey or to a basement, and balconies or landings shall be equipped with handrails or balustrades maintained in good repair so as to provide protection against accident or injury.

#### 4.10 **Egress**

- (1) Every required exit from a residential building shall open directly to a street or outer yard.
- (2) Every single family dwelling shall have a minimum of two exits from the first storey suitably remote from each other.
- (3) Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of egress.
- (4) In the case of a multiple dwelling, whenever there are not two means of egress from each dwelling unit suitable remote from each other there shall be ready access to at least two means of egress leading to separate independent exits.
- (5) A required exit shall not pass through an attached garage or built-in garage or an enclosed part of another dwelling unit.
- (6) Commercial, institutional and industrial buildings shall have exits in size and number which comply with the requirements of the Ontario Building Code as amended from time to time.

#### 4.11 Air Conditioners and Heat Pump Systems

All air conditioners and heat pump systems shall be as per requirements of the Ontario Building Code and shall be maintained in a safe mechanical and electrical condition. Such systems shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

#### 4.12 Mobile Homes

- (1) A landlord of a mobile home park shall ensure that,
  - (a) fire hydrants owned by the landlord are regularly tested and maintained, and kept free from accumulations of snow and ice;
  - (b) an adequate supply of water and adequate water pressure is available for each mobile home and for fire fighting;
  - (c) roads within the mobile home park are free from holes, cleared of snow and obstructions and passable at all reasonable times;
  - (d) any excavations made for repairs are filled in and the grounds returned to their previous condition;
  - (e) mailboxes are kept free of snow and other obstructions; and
  - (f) if the space between mobile home is three metres or more on the day this regulation comes into force, that space is not reduced to less than three metres.

### SECTION 5

#### STANDARDS FOR OCCUPANCY OF BUILDINGS

##### 5.1 Cleanliness

- (1) Every building shall be kept free of rubbish, debris, or conditions which might constitute a fire, accident or health hazard.
- (2) Where garbage rooms, refuse storage rooms and chutes are provided, they shall be in conformity with the Ontario Building Code as amended from time to time and shall be maintained in a clean and sanitary condition.

##### 5.2 Water

- (1) Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of potable water from a source approved by the Ministry of the Environment and/or its agents.
- (2) Every sink, wash basin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.
- (3) Adequate cold running water shall be supplied to every water closet.

##### 5.3 Plumbing

- (1) Sewage shall be discharged into a municipal sewerage system or otherwise disposed of in a manner acceptable to the Ministry of the Environment and/or its agents.

- (2) All plumbing including drain pipes, water pipes, water closets and other plumbing fixtures in every building, and every connecting line to the sewerage system shall be maintained in good working order and shall be protected from freezing.

#### 5.4 **Electrical Service**

- (1) Electrical installations, including the service capacity of the installation and the number and distribution of circuits shall conform with regulations of Ontario Hydro.

#### 5.5 **Heating System**

- (1) Every building accommodating persons or intended to accommodate persons during the period from September 1 to June 1 shall be provided with a heating system which must be operated during the aforesaid period to maintain a minimum temperature of 16 degrees Celsius in an unfinished basement or cellar and to maintain a minimum temperature of 20 degrees Celsius from 6 a.m. to 11 p.m. and 18 degrees Celsius from 11 p.m. to 6 a.m. at five feet above floor level and three feet from exterior walls in all habitable rooms, bathrooms and toilet rooms, should outside temperatures so dictate.
- (2) The heating system shall be maintained in good working order so as to be capable of heating the dwelling or dwelling unit safely to the required standards.
- (3) Every chimney, smoke pipe and flue shall be kept clear of obstructions and prevent rain and gases from leaking into the building, and shall be kept in good repair so as to be free of any defects that may constitute an accident hazard.
- (4) Fireplaces used or intended for use in a building for burning fuels in open fires shall be connected to approved chimneys and shall be installed and maintained so as to not create a fire hazard to nearby or adjacent combustible materials and structural members.
- (5) In multiple dwellings, commercial, institutional or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance ratings required by the Ontario Building Code.

#### 5.6 **Light**

- (1) Every habitable room except for a kitchen shall have a window or windows, skylights or translucent panels that face directly outside at least 15 centimetres (5.9 inches) above the abutting outside finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms, with the required window area to include the glass area of a sash door.
- (2) Every public hall and stair in all buildings shall be illuminated at all times so as to provide safe passage.

#### 5.7 **Ventilation**

- (1) Every habitable room shall have an opening or openings for natural ventilation from the outside and such opening or openings shall have a minimum aggregate unobstructed area of 0.28 square metres (3 sq. ft.) and shall be located in the exterior walls or through openable parts of skylights.

- (2) Openings for natural ventilation may be omitted from a kitchen, living or living-dining area, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.
- (3) Every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregated unobstructed free flow area of 0.093 square metres (1 Sq. Ft.) except that the opening may be omitted where a system of mechanical ventilation has been provided such as an electric fan with a duct leading to outside the building.
- (4) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

## SECTION 6

### STANDARDS FOR OCCUPANCY OF DWELLINGS

- 6.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 6.2 The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.4 square metres (101.2 sq. ft.) of habitable room floor area, with any child under twelve years of age deemed a one-half person when calculating the maximum permitted number of occupants.
- 6.3 For the purpose of computing habitable room space in subsection 6.2, the floor area under a ceiling less than 2.1 metres (6.9 feet) high shall not be included and if a finished ceiling is not applied, the area shall not be deemed to be habitable room space.
- 6.4 No room in any dwelling shall be used for sleeping purpose unless it has a minimum width of 2 metres (6.6 feet) and a minimum floor area of 7 square metres (75.3 sq. ft.) with at least one-half of the required minimum floor area having a ceiling height of 2.1 metres (6.9 feet) and no floor area with a ceiling height of less than 1.37 metres (4.5 feet) being included in the minimum floor area calculation.

## SECTION 7

### ADMINISTRATION

- 7.1 This by-law shall apply to all property in the Township of Leeds and The Thousand Islands.
- 7.2 This by-law shall be administered by a person designated by the Council of Leeds and The Thousand Islands as the Property Standards Officer.
- 7.3 Council of the Township of Leeds and The Thousand Islands shall provide by by-law for the establishment of a Property Standards Committee as per Section 15.6 of the Ontario Building Code Act, S.O. 992, c.23.
- 7.4 Where a provision of this by-law conflicts with a provision of another corporation by-law, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 8

AUTHORITY

8.1 This by-law shall be read subject to the Ontario Building Code Act, S.O. 1992, c.23 and should any provision of this by-law conflict or otherwise be inconsistent with the provision of the aforesaid Ontario Building Code Act, the provisions of the Ontario Building Code Act shall be deemed to be incorporated in this by-law.

8.2 By-laws 9-99, 15-1990 and 99-05 of Ward 1, 2 and 3 respectively are hereby repealed. However, these by-laws will continue to apply to those properties in which an Order To Comply has been issued prior to the date of 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 with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

8.3 This by-law shall come into force on the date that it is passed by the Council of the Corporation of the Township of Leeds and The Thousand Islands.

READ A FIRST TIME AND SECOND TIME THIS *26* DAY OF *August*, 2002  
READ A THIRD TIME AND FINALLY PASSED THIS *26* DAY OF *August*, 2002

*[Signature]*  
\_\_\_\_\_  
Reeve

*[Signature]*  
\_\_\_\_\_  
Clerk

