

**Date:** 2022-06-22

**Subject:** **Proposed Adoption of the new Property Standards By-law**

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**Report Number:** Legislative Services-2022-676

**Recommendations:**

1. THAT Council receive the report titled, "Proposed Adoption of the new Property Standards By-law";
2. THAT Council adopt the proposed Property Standards By-law, attached as Appendix 1 to this report;
3. THAT Council repeal the Minimum Maintenance By-law 104-96 (Property Standards), as amended;
4. THAT Council amend By-law 2018-2019 (Non-Parking Administrative Penalties), to contain the Property Standards By-law penalties, attached as Appendix 2.

**Overview:**

- **Property Standards staff completed a comprehensive review of the Minimum Maintenance By-law 104-96 (Property Standards).**
- **Property Standards staff drafted a new By-law to enhance the standards for maintenance and occupancy of properties to respond service request trends.**
- **The proposed By-law better allows for the administration of the Non-parking Administrative Monetary Penalties System (AMPS) as a method of enforcement to expedite compliance and lessen the burden on the Provincial Offences Court.**

## Background:

The Minimum Maintenance By-law 104-96 (Property Standards), was enacted under the *Building Code Act in 1996* to prescribe maintenance and occupancy standards for property in the City of Brampton. It includes provisions for deficiencies in/on exterior yards, exterior buildings, interior buildings, and vacant land. The enforcement of these standards on private property is vital to uphold and maintain the City's standard of quality and excellence, and to ensure the safety and wellbeing of residents and their neighbourhoods.

With Brampton's population and density growth changing the landscape of the municipality, new demands for enforcement have emerged. To support the City's growth rate and the changing nature of Property Standards service requests, Property Standards conducted an internal review of the existing by-law. This review explored ways to bridge the gaps in the enforcement of minimum maintenance standards and community needs. Ultimately it was determined a revised by-law was required.

## Current Situation:

### Proposed Property Standards By-law

Property Standards staff work diligently with Brampton residents and Council to respond to thousands of service requests annually. Year-over-year requests have increased from 7,928 in 2015 to more than 14,000 in 2021. As the calls for service increase, so do the types of demands. With more persons per household, staff continues to encourage the proper storage of garbage, and vehicles and safe occupancy standards.

Based on the review, a new by-law was drafted to respond to these increasing demands and the complexity of service requests. The proposed By-law includes the following major enhancements.

### 1. Vehicles, Trailers, and Related Equipment

The key improvements in the proposed By-law for the driving, parking or storage of vehicles and equipment are detailed in the following table.

Current By-law	Proposed By-law
7(6) No vehicle which is in a wrecked, discarded, dismantled or inoperative condition or is unlicensed shall be parked, stored, or left in the yard unless such vehicle is required for business or farming purposes and then only in an arrangement such as to prevent an unsafe or unsightly condition	13.1 No Vehicle that is in a wrecked, discarded, dismantled, or Inoperative condition shall be parked, stored, or left in any Yard, including a Driveway.  13.2 No Vehicle that is un-plated shall be parked, stored, or left in any Yard, including a Driveway.  13.3 Vehicles that are required for farming purposes on agriculture zoned properties shall be

	parked and stored in an arrangement so as to prevent an unsafe or Unsightly Condition.
7(7) No vehicle shall be parked on any lot, except on a paved or appropriately finished surface	13.4 No Vehicle, Trailer, or related equipment shall be driven, parked, or stored on a surface other than a Driveway or designated parking area that has been constructed in accordance with the City's by-laws and shall not include a Walkway.
Not applicable	13.5 If damage to landscaping results from the driving or parking of a Vehicle on a non-permitted surface, the landscaping shall be repaired and protected using a suitable ground cover that prevents the erosion of the soil.
Not applicable	7.3 No land shall be used for the parking, storing, or placing of any recreation Vehicle, boat, machinery, mechanical equipment, appliance, similar item, or part thereof, which is in an inoperable, discarded, dismantled, or disused condition.
Not applicable	7.4 No land shall be used for the parking, storing, or placing of construction equipment, backhoes, skid steers, excavators, dump trucks, tractors, farm tractors, and utility tractors, except where explicitly permitted in accordance with the Zoning By-law, or successor by-law.
Not applicable	7.5 No Trailer, Truck Trailer or House Trailer shall be stored in a Yard facing a street, except where explicitly permitted in accordance with the Zoning By-law, or successor by-law.

## 2. Damaged Buildings, Vacant Buildings, and Accessory Buildings

The proposed By-law prescribes standards for the protection and repair of buildings damaged by fire, storm, or other causes. There is no specific reference to either damaged or vacant buildings in the current by-law, with the exception of vacant heritage buildings.

Current By-law	Proposed By-law
Not applicable	43.1 Every vacant, unoccupied or damaged Building and Accessory Building shall be protected against the risk of fire, accident, or other peril, by effectively

	securing the Building or Accessory Building to prevent the entrance of unauthorized Persons.
Not applicable	43.2 Where a Building is damaged by fire, storm, or 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.
Not applicable	43.3 Where a Building is damaged by fire, storm, or other causes, immediate steps shall be taken to Repair or cause the Repair of the damaged Building components with the applicable Building permits.
Not applicable	43.4 Every Building which is damaged, shall be properly supported, secured, and barricaded until the necessary Repair or demolition can be carried out.
Not applicable	<p>43.5 Where entry to a Building cannot be sufficiently prevented by the locking of doors, windows, and other openings, the entry shall be prevented as follows:</p> <p>(1) All windows, doors, and other openings that provide a means of entry shall be covered with weather-resistant plywood sheathing or an equivalent material that shall be securely fastened and tight-fitting;</p> <p>(2) Coverings 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); and</p> <p>(3) Coverings shall be painted or otherwise treated so that the colour is compatible with the exterior of the Building.</p>
Not applicable	<p>11.1 Every structure, carport, Building, and Accessory Building, other than a Dwelling shall:</p> <p>(1) be free from Refuse and Hazards;</p> <p>(2) be maintained in Good Repair;</p> <p>(3) be constructed and maintained with suitable and uniform materials; and</p>

	<p>(4) have exterior surfaces protected by exterior grade paint or other weather-resistant material.</p> <p>11.2 Every dilapidated or collapsed structure, Building or Accessory Building shall be repaired or demolished with a permit where required.</p>
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### 3. Occupancy Standards

The following table details the revisions made within the occupancy standard section. These revisions were made to ensure our By-law provisions are consistent with the Ontario Building Code as they relate to the use of rooms intended for sleeping purposes.

<b>Current By-law</b>	<b>Proposed By-law</b>
22(1) The maximum number of occupants in a dwelling unit shall not exceed one person for each 14 sq. metres (150 sq. ft.) of the total floor area of all habitable rooms. For the purposes of Section 22(1), a child under twelve years of age shall be counted as .5 persons.	Not applicable
22(2) No room shall be used for sleeping purposes unless it has: (a) a minimum width of 1.83 metres (6 feet); and, (b) a floor area of at least 5.6 sq. metres (60 sq. feet).	<p>24.1 No room or area shall be provided for sleeping purposes unless:</p> <p>(1) it has been constructed with a building permit and reviewed for sleeping purposes;</p> <p>(2) is in conformance with the OBC requirements for the construction of a bedroom; and,</p> <p>(3) there is a minimum floor area of 7 square metres (6 square metres if the room contains built-in closets)</p>
22(3) A room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 sq. metres (40 sq. feet) for each person using the room.	Not applicable

Not applicable	24.2 No room shall be converted to a bedroom without a building permit and be constructed in conformance with the Ontario Building Code requirements for a bedroom.
22(5) No kitchen, bathroom or hallway shall be used for sleeping purposes	24.3 No Person shall permit a Person to occupy for sleeping purposes, any Cellar or space used as a lobby, hallway, closet, bathroom, laundry, stairway, kitchen, or any Accessory Building or shed, unless otherwise permitted
Not applicable	24.4 No Person shall use or permit to be used a cooking appliance of any kind in any room used for sleeping purposes.

#### 4. Production of Engineer Reports

The proposed By-law expands the requirements for the production of reports prepared by an engineer where the structural adequacy or indoor residential environmental quality is believed to have been adversely affected.

Current By-law	Proposed By-law
46(7) If in the opinion of an Officer there is a doubt as to the structural adequacy or condition of a parking garage or appurtenance, the Officer may order that an examination and written report be prepared by a professional engineer, licensed in Ontario, and employed by the owner or his authorized agent.	<p>41.6 Where it appears that the structural integrity or condition of a parking garage or an appurtenance thereof may be adversely affected by damage or deterioration, the Officer may Order that a structural engineering assessment and report be conducted and prepared by a professional engineer licensed in Ontario. The report shall include all deficiencies of structural concern; the contributory cause of the damage; the required Repairs and plan for remediation; and the recommended timelines for Repair. Upon receipt of the report, it shall be produced to the Officer forthwith.</p> <p>(1) Where Repairs are required, the Owner shall Repair, or cause to be repaired, the parking garage or appurtenance, in accordance with the Repair methods, and timelines described in the report.</p> <p>(2) Upon completion of the Repairs, a verification report shall be prepared to confirm that the work proposed in the report has been completed wholly and that the parking garage or appurtenance is structurally</p>

	adequate for its use. This report shall be provided to the Officer.
Not applicable	<p>40.3 Where it appears that the structural integrity or condition of a Building, structure, or part thereof may be adversely affected by damage or deterioration, the Officer may Order that a structural engineering assessment and report be conducted and prepared by a professional engineer licensed in Ontario. The report shall include all deficiencies of structural concern; the contributory cause of the damage; the required Repairs and plan for remediation; and the recommended timelines for Repair. Upon receipt of the report, it shall be produced to the Officer forthwith.</p> <p>(1) Where Repairs are required, the Owner shall Repair, or cause to be repaired, the Building, structure, or part thereof, in accordance with the Repair methods, and timelines described in the report.</p> <p>(2) Upon completion of the Repairs, a verification report shall be prepared to confirm that the work proposed in the report has been completed wholly and that the Building, structure, or part thereof is structurally adequate for its use. This report shall be provided to the Officer.</p>
Not applicable	<p>26.8 Where there is extensive visible mould, an Officer may Order that a Building, structure or part thereof be examined by a professional engineer who is qualified to perform indoor residential environmental quality examinations in Ontario, and that a written report detailing the recommended remedial work to be provided to the Officer.</p> <p>(1) Where Repairs are required pursuant to a report prepared under section 26.8, the Owner shall Repair, or cause to be repaired, the Building in accordance with the report.</p> <p>(2) Upon completion of the Repairs, the Owner shall provide the Officer with a verification report that the work described in the report has been completed wholly and in accordance with the generally accepted guidelines and protocols in the industry.</p>

## 5. Modernizing Language

The proposed By-law amends references to owners from he/his to they/their and removes redundancies and inconsistencies in the phrasing of maintenance standards.

## 6. The Exclusion of Outdated Provisions

The proposed new by-law has excluded provisions that are no longer relevant or in accordance with amendments to other legislation such as the Zoning By-law, Ontario Building Code, and Highway Traffic Act.

### Review and Administration

Enforcement and By-law Services, Prosecution Services, Legal Services and the Building Division had the opportunity to review the proposed by-law and provide feedback.

Enforcement and By-law Services staff will be responsible for the administration and enforcement of this By-law, and supervisors will be responsible for monitoring and ensuring compliance with the standard operating procedures associated with this By-law. Enforcement and By-law Services staff will monitor the success of the implementation of the by-law to evaluate if any amendments are required in order to remain aligned with the Term of Council Priorities and the Official Plan.

### Administrative Monetary Penalties System

Violations of the current By-law result in the issuance of a Property Standards Order, pursuant to the *Building Code Act*. When compliance is not achieved, Enforcement may proceed with the prosecution of charges issued pursuant to Part III of the Provincial Offences Act (POA). The process for dealing with POA matters requires significant court and enforcement resources.

The *Building Code Act* also allows for the application of the Administrative Monetary Penalties System (AMPS) for property standards offences. This system is fully administered by the City of Brampton and is an effective, quick, clear, and tangible way for officers to address minor contraventions of the by-law in lieu of laying Part III charges. Thus, redirecting valuable court time to more significant zoning offences.

The recommendation to administer the AMPS was based on three core factors:

1. **The high volume of minor cases being heard within POA courts annually.** The high volume of minor cases being heard within our POA courts annually can lead to delayed resolutions.
2. **A more effective use of judicial processes.** The limited resources of the Provincial Offences Courts can be used for more serious offences, including egregious repeat property offenders and illegal second unit charges.
3. **To provide an expedited resolution process to promote compliance.** The issuance of a penalty notice will decrease the time associated with the preparation



of Part III charges and increase the number of complaints our officers are able to investigate.

**Corporate Implications:**

Financial Implications:

There are no financial implications with this report or the adoption of this by-law.

Other Implications:

There are no other implications with this report or the adoption of this by-law.

**Term of Council Priorities:**

This report directly aligns with the strategic direction and priority to continuously improve the day-to-day operations of the corporation by streamlining service delivery (Well Run) and focusing on community safety (Healthy & Safe).

**Conclusion:**

Staff hereby request that the Property Standards By-law move forward for adoption and that the Minimum Maintenance By-law 104-96 be repealed; and that the Administrative Penalties By-law 218-2019 (Non-Parking) be amended to add the proposed Property Standards By-law penalties.

Authored by:

Reviewed by:

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Approved by:

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**Attachments:**

Appendix 1 – Proposed Property Standards By-law.

Appendix 2 – A By-law to amend By-law 2018-2019 (Non-Parking Administrative Penalties)