



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2022

To prescribe minimum standards for the maintenance and occupancy of  
properties in the City of Brampton.

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WHEREAS the Official Plan for the Corporation of the City of Brampton includes conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 (3) of the [Building Code Act, 1992](#), provides that 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 section 15.1 (3) of the [Building Code Act, 1992](#), provides that a by-law may be passed requiring Property that does not conform with the standards to be repaired and maintained with the standards or cleared of all Buildings, structures, debris or Refuse and left in graded and leveled condition;

AND WHEREAS section 15.4.1 of the [Building Code Act, 1992](#), authorizes a municipality to establish a system of administrative penalties to assist the municipality in promoting compliance with a by-law under section 15.1 or Order under subsection 15.2 (2);

AND WHEREAS section 391 (1) of the [Municipal Act, 2001](#), authorizes a municipality to impose fees or charges for services and activities carried out under this By-law;

AND WHEREAS section 15.6 (1) of the [Building Code Act, 1992](#), requires that a by-law passed under Section 15.1(3) of the Act shall provide for the establishment of a Property Standards Committee;

AND WHEREAS Subsection 391(1) of the [Municipal Act, 2001](#), provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 434.1 of the [Municipal Act, 2001](#), considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this By-law; and

NOW THEREFORE the Council of The Corporation of the City of Brampton  
ENACTS as follows:

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## PART I

### INTERPRETATION

#### 1 Definitions

- 1.1 For the purpose of this By-law, the following terms shall have the corresponding meaning:

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

**“Basement”** means a storey or partial storey of a Building located below the first storey and is not a Crawl Space as defined in this By-law.

**“Building”** means any structure having a roof, supported by columns or walls and used for the shelter or accommodation of Persons, animals, goods, or materials.

**“Ceiling Height”** means the height of the ceiling, measured from the finished floor, and where there is no ceiling, it is the height measured to the lowest point of the exposed joist.

**“Cellar”** means any enclosed portion of a Building that has more than 50% of its height, from floor to ceiling, located below average finished grade.

**“City”** means the Corporation of the City of Brampton.

**“Clean Fill”** means material deposited or placed on lands and includes soil, stone, concrete, asphalt, sod or turf either singly or in combination.

**“Committee”** means the Property Standards Committee established under this by-law pursuant to the [Building Code Act](#).

**“Crawl Space”** means a space below the floor of the first storey of a Building that is not less in height than 30 centimetres (0.98 feet) from the underside of the floor joists to the surface below, and is not a Basement as defined herein.

**“Driveway”** means the hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel or dirt, interlocking brick or paving stone) on Dwelling lots upon which Vehicles drive and park

**“Dwelling”** means a Building occupied or capable of being occupied as a home, residence, or sleeping place by one or more Persons.

**“Dwelling Unit”** means one or more habitable rooms designed or capable of being used together in a single and separate housekeeping unit, containing its own kitchen and sanitary facilities, with a private entrance from outside of the unit itself.

**“Good Repair”** shall mean a state or condition that is clean, safe, functional, and free from defects.

**“Hazard”** means a source of potential damage, harm, or adverse health effects on something or someone.

**“Heritage Attribute”** means, in relation to real Property, and the Buildings on real Property, an attribute of the Property, Building, or structure that contributes to its cultural heritage value or interest and that is defined or described:

- (1) in a by-law designating a Property passed under Section 29 of the [Ontario Heritage Act](#) and identified as a Heritage Attribute, value, reason for designation or otherwise; or

- (2) in a minister's Order made pursuant to Section 34.5, Part IV of the [Ontario Heritage Act](#) and identified as a Heritage Attribute, value, reason for designation or otherwise; or
- (3) in a by-law designating a heritage conservation district passed under Section 41, Part V of the [Ontario Heritage Act](#) and identified as a Heritage Attribute, value, reason for designation or otherwise; or
- (4) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a Heritage Attribute, value, reason for designation or otherwise; or
- (5) the elements, features, or Building components including roofs, walls, floors, retaining walls, foundations, and independent interior structures and structural systems that hold up, support, or protect the Heritage Attributes and without which the Heritage Attributes may be at risk.

**"Heritage Property"** means real Property, including all Buildings and structures thereon:

- (1) that has been designated by the City of Brampton under Section 29 of the Ontario Heritage Act, or that has been designated by the Minister under Section 34.5 of the [Ontario Heritage Act](#), or
- (2) that is located within a heritage conservation district which has been designated by the City of Brampton or any of its former municipalities under Section 41 of the [Ontario Heritage Act](#),

**"House Trailer"** shall mean any Vehicle that is suitable for being attached to a Vehicle for the purpose of being drawn or propelled by the Vehicle, and capable of being used for the living, sleeping, or eating accommodation of Persons, notwithstanding that such Vehicle is immobile.

**"Inoperative (Vehicle)"** means any Vehicle which cannot be moved under its own power or cannot be operated lawfully on a public street or highway, due to removal of, damage to, or Inoperative condition of any part, or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation.

**"Means of Egress"** means a continuous path of travel provided for the escape of Persons from any point in a Building or contained open space to a separate Building, an open public thoroughfare, or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare. Means of Egress includes access to exits.

**"Notice"** shall mean a Notice of violation issued in accordance with this by-law.

**"Nuisance"** means a condition that is injurious, offensive, objectionable, obnoxious or an annoyance by reason of the unsightly storage of goods, wares, merchandise, litter or other material.

**"Occupant"** means any Person or Persons over the age of 18 years in possession of the Property.

**"Officer"** means a Property standards Officer or another enforcement Officer duly appointed by Council to administer and enforce the provisions of this by-law.

**"Owner"** means

- (1) the registered Owner of a Property, including any heirs, assigns, Personal representatives and successors in title;
- (2) mortgagee in possession of the Property;

- (3) the Person for the time being managing or receiving the rent of the Property or premises in connection with which the word is used whether on their account or as agent or trustee of any other Person, or who would so receive the rent if such land and premises were let; or
- (4) 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 maintenance and occupancy of Property.

**“Person”** shall mean and include any individual, firm, partnership, association, corporation, company, organization, heirs or legal representatives of the Person to whom the context can apply according to law.

**“Proper Receptacle”** means a garbage cart, recycling cart, or an organics cart supplied by the Region of Peel, or a similar container sold for the same purpose; or a Region approved Owner or occupier supplied Yard waste receptacle.

**“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, out Buildings, fences, and erections thereon whether heretofore or hereafter erected, and includes vacant Property, on which there are no structures of any kind.

**“Order”** means a property standards Order issued by an Officer under Section 15.1 of the [Building Code Act](#) that includes the particulars of the Repairs to be made.

**“Refuse”** means:

- (1) Debris, junk, or effluent associated with a house, household, or any industry, trade, or business;
- (2) Vehicle parts or accessories;
- (3) Furniture, appliances, machinery, barbeques or parts thereof;
- (4) Animal excrement; and
- (5) Without restricting the foregoing, any unused or unusable material that by reason of its state, condition or excessive accumulation appears cast aside, discarded or abandoned; or appears worthless, useless or of no particular value; or appears to be used up, expended or worn out in whole or in part.

**“Repair”** means the taking of any action, including the making of additions or alterations, which may be required to ensure that a Property conforms to the standards established in this by-law.

**“Sewage System”** means an approved sanitary Sewage System or an approved private sewage disposal system that complies with the applicable by-law.

**“Storm Sewer”** means a sewer for the collection and transmission of uncontaminated water and, or stormwater from land or a watercourse, or any combination thereof for which the Region of Peel is responsible.

**“Trailer”** means any Vehicle constructed for the purpose of being drawn or propelled by a Vehicle for the movement of goods or material.

**“Travel Trailer”** means a Trailer that is used or intended to be used for short-term or seasonal occupancy.

**“Truck Trailer”** means a non-automotive freight Vehicle to be drawn by a transport truck.

**“Unsightly Condition”** means an unorganized, generally unattractive condition that lacks general maintenance and upkeep, or an excessive or unreasonable accumulation of items or materials.

**"Vacant Heritage Property"** shall include any Buildings and structures located on Property designated under Section 29 or 34.5 of the [Ontario Heritage Act](#), situated within a heritage conservation district designated under section 41 of the [Ontario Heritage Act](#), and either is or appears to an inspector to be vacant, partially vacant, or unoccupied for more than ninety (90) days.

**"Vacant Land"** means a Property with no Buildings or immovable improvements erected.

**"Vehicle"** includes a motor Vehicle, motorcycle, scooter, Trailer, boat, all-terrain Vehicle (ATV), motorized snow Vehicle, or any other mechanical power-driven equipment.

**"Walkway"** means any passage or path designed for walking, or providing access to a Building.

**"Yard"** means the land, other than publicly owned land, around and appurtenant to the whole or any part of a Building, and used, or capable of being used, in connection with the Building.

**PART II**

**ADMINISTRATION**

**2 Application**

- 2.1 This By-law prescribes standards for the maintenance and occupancy of Property within the City of Brampton.
- 2.2 This By-law requires Property that does not conform to the prescribed standards be repaired and maintained or cleared of all Buildings, structures, debris or Refuse and left in graded and levelled condition.

**3 Property Standards Committee**

- 3.1 A Property Standards Committee shall be established and shall function as set out in Section 15.6 of the [\*Building Code Act\*](#), to hear and rule on appeals against an Order of a Property Standards Officer.
- (1) The Committee shall be composed of not less than three (3) residents of the City appointed by Council;
  - (2) The term of the appointment shall be for the term of Council;
  - (3) A member shall serve for the term for which the member is appointed or until a successor is appointed by City Council;
  - (4) In the event of a vacancy in the membership of the Committee, Council shall forthwith fill the vacancy;
  - (5) A member of Council or an employee of the City or a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection; and,
  - (6) A member shall be deemed to have resigned if they fail to attend three (3) consecutive regular meetings.
- 3.2 On an appeal, the Committee has all the powers and functions of the Officer who made the Order and may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
- (1) Confirm, modify, or rescind the Order to demolish or Repair; or
  - (2) Extend the time for complying with the Order.



**PART III**

**ENFORCEMENT**

**4 General Provisions**

- 4.1 Council shall appoint Officers to carry out the administrative functions of this by-law, including the enforcement thereof.
- 4.2 An Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting the Property to determine:
- (1) whether the Property conforms to the standards prescribed in this by-law; or,
  - (2) whether an Order made under this by-law has been complied with.
- 4.3 An officer who finds that a property does not conform to any of the standards prescribed in a by-law passed under section 15.1 may make an Order:
- (a) stating the municipal address or the legal description of the property;
  - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
  - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - (d) indicating the final date for giving notice of appeal from the Order.
- 4.4 An Order may be registered in the proper land registry office and, upon such registration, any Person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order.
- 4.5 For the purposes of an inspection, an Officer may:
- (1) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the Property or any part thereof;
  - (2) inspect and remove documents or things relevant to the Property or part thereof for the purpose of making copies or extracts;
  - (3) require information from any Person concerning a matter related to a Property or part thereof;
  - (4) be accompanied by a Person who has special or expert knowledge in relation to a Property or part thereof;
  - (5) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
  - (6) Order the Owner of the Property to take and supply at the Owner's expense such tests and samples as are specified in the Order.

**PART IV**

**GENERAL PROVISIONS**

**5 Duties**

- 5.1 Every Owner shall maintain their Property in accordance with the provisions of this By-law.
- 5.2 Every Person to whom an Order or Notice is issued under this by-law shall comply with such Order or Notice as required.
- 5.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or a Person authorized by a registered code agency in the exercise of a power or the performance of a duty under this By-law.
- 5.4 Where applicable, every Owner shall obtain a Building permit prior to making Repairs.

**6 Manner of Making Repairs**

- 6.1 All Repairs shall be made in a good and workmanlike manner, using only materials that are suitable for the purpose and free from defects. Without limiting the foregoing, this shall include:
  - (1) ensuring the component repaired can perform its intended function;
  - (2) finishing the Repair in a manner that is reasonably compatible in design colour with the adjoining finishing materials; and
  - (3) maintaining an aesthetically pleasing appearance that is consistent with the surrounding environment.

**PART V**

**EXTERIOR MAINTENANCE STANDARDS - YARDS**

**7 General Maintenance and Storage**

- 7.1 Every Yard shall be kept clean and free from:
- (1) Hazardous or potentially Hazardous objects, materials, or conditions;
  - (2) domestic animal excrement;
  - (3) Refuse, or organic waste not contained within a Proper Receptacle (except where compost heaps are permitted and reasonably maintained);
  - (4) neglected or derelict indoor and outdoor furniture, appliances, equipment, and Vehicle part(s);
  - (5) holes, ruts, depressions, and excavations that are potential health or safety Hazards;
  - (6) food, water, or other substance intended to attract wildlife (except where a container designed to be filled with birdseed is placed above the ground); and
  - (7) rodent and insect infestation(s).
- 7.2 No Person shall store actively used firewood, Building materials, garden equipment, landscape equipment, pool equipment, lawn furniture, barbeques, or other similar objects (domestic storage) unless it is:
- (1) stored in a rear Yard;
  - (2) stored in a neat and organized manner, not against a fence or Property line; and
  - (3) maintained to prevent excessive accumulation and potentially unsafe or Unsightly Conditions that are out of character with the surrounding environment.
- 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.
- 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.
- 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.

**8 Garbage Disposal**

- 8.1 Every Building and Dwelling Unit shall have Proper Receptacles to contain all garbage, rubbish, and trade waste.
- 8.2 All garbage, organics, and recyclable material shall be stored within a Proper Receptacle and maintained in a clean condition.
- 8.3 Every receptacle shall:
- (1) be maintained in a clean, sanitary and operable condition;
  - (2) be stored with the cover lid closed and secured;
  - (3) not be packed in a manner where the waste exceeds the height of the receptacle or prevents the cover lid from closing securely; and

(4) not be stored in a Yard facing a street.

8.4 Despite subsection 8.3(4), Proper Receptacles may be stored in a Yard facing a street, in an Orderly manner adjacent to a Building, where:

- (1) the subject Property does not have a side Yard with a width of 1.0 metres or more;
- (2) the subject Property does not have rear Yard access that is wider than the width of the receptacle; and
- (3) the subject Property does not have an Accessory Building, carport, garage; or
- (4) if the subject Property has a single car garage, that is deemed a required parking space by the applicable zoning by-law; and
- (5) the Officer believes there is no reasonable alternative.

8.5 Every commercial or industrial Building or plaza shall be provided with a vermin-proof waste bin for the disposal of garbage and trade waste; and stored in an approved, acceptable, and appropriate location.

8.6 Every commercial or industrial Building or plaza shall provide adequate garbage containers for the disposal of Refuse and litter by patrons and shall be maintained in a clean and safe condition.

## **9 Landscaping**

9.1 All dead, decayed, or damaged trees shall be removed and disposed of.

9.2 All hedges, shrubs, bushes, trees, and vegetation shall be maintained and trimmed so as to not be unsightly or unreasonably overgrown in a fashion that may affect safety, visibility, or passage of the general public.

9.3 When landscaping hedges, trees, fences, curbs, retaining walls, or similar structures are required by the City as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the City requirements.

9.4 All Yards shall be cultivated or protected by a suitable ground cover that prevents the erosion of the soil and reduces water runoff.

## **10 Fences**

10.1 Every fence, retaining wall, and structure appurtenant to Property and the components thereof, shall be kept in Good Repair, free from Hazards and defects, and where required, protected by exterior grade paint, preservative, or other weather-resistant material.

## **11 Structures, Buildings and Accessory Buildings**

11.1 Every structure, carport, Building, and Accessory Building, other than a Dwelling shall:

- (1) be free from Refuse and Hazards;
- (2) be maintained in Good Repair;
- (3) be constructed and maintained with suitable and uniform materials; and
- (4) have exterior surfaces protected by exterior grade paint or other weather-resistant material.

11.2 Every dilapidated or collapsed structure, Building or Accessory Building shall be repaired or demolished with a permit where required.

## **12 Driveways and Walkways**

- 12.1 Every Driveway, laneway, and parking area shall be finished with asphalt, concrete, stone, or other compacted material that can sustain the weight of a Vehicle without cracking, sinking, or deteriorating.
- 12.2 Every step and hard surface intended for use as a Walkway, Driveway, parking area, laneway or any similar area shall be:
- (1) finished to provide a hard and level surface;
  - (2) free from potholes or unlevelled conditions that pose an actual or potential safety Hazard;
  - (3) adequately graded and drained to prevent excessive ponding of water; and
  - (4) kept free from fuel, oil, or other chemical substances which may directly or indirectly cause the discharge or deposit into or in any Storm Sewer; and
  - (5) adequately maintained and free from Hazards so as to afford safe passage under normal use and weather conditions.
- 12.3 Every Walkway and access route to a Building that is accessible by the general public shall be maintained so as to be kept free from ice and snow after a snowfall.

## **13 Vehicles and Equipment**

- 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.
- 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.
- 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.

## **14 Swimming Pools**

- 14.1 All swimming pools and artificial ponds, and all components thereof shall be kept in Good Repair, clean, free from leaks, and free from potential health and safety Hazards, including the pool water therein.
- 14.2 All pool covers used to cover a swimming pool shall be appropriately secured, maintained in good condition, and regularly drained to prevent the accumulation of standing water.
- 14.3 Every pool that is disused or appears to be neglected, shall be:
- (1) fitted with a suitable cover in good condition so as to prevent a visual blight, the entrance of elements, and the infestation of pests or insects; and
  - (2) free from standing water; or
  - (3) properly filled with Clean Fill; and
  - (4) left in a graded condition.

## **15 Sewage And Drainage**

- 15.1 All sewage shall be discharged into an approved Sewage System that is in compliance with the applicable legislation.
- 15.2 No roof drainage shall be discharged, directed, or channeled onto Walkways, stairs, or adjacent lands.
- 15.3 No stormwater, sump discharge, swimming pool discharge, or water that has been artificially brought on the land shall be drained in a Yard to prevent excessive ponding or the entrance of water into a Basement, Cellar, or onto adjacent lands.
- 15.4 Every Yard shall be adequately graded and drained to prevent excessive ponding of surface water.

## **16 Graffiti**

- 16.1 Objectionable markings, graffiti, or other defacements on any exterior surface shall be removed.
- 16.2 Any surface that has had graffiti removed from its face shall be restored to its original condition and colour.

## **17 Exterior Lighting**

- 17.1 All residential exterior lighting shall be directed in a manner that will minimize the glare and undue intrusion of light onto adjacent or adjoining properties, Dwellings, and streets.
- 17.2 All lighting on commercial, industrial, agricultural and institutional properties shall conform to the approved site plan and shall not be directed towards lands zoned for residential use.
- 17.3 All outdoor artificial lighting and the connections thereto shall be maintained in Good Repair and free from defects and Hazards.

## **18 Satellite Dishes, Antennae, and Exterior String Lighting**

- 18.1 All Satellite dishes, television antennae, radio antennae, exterior string lighting, similar structures or parts thereof, shall be securely anchored, maintained in good repair, and in accordance with all applicable laws. All cables and wires shall be appropriately secured to the structure in a neat manner.

# **PART VI**

## **EXTERIOR MAINTENANCE STANDARDS – BUILDINGS**

### **19 Roofs**

- 19.1 Every roof and all components thereof shall be kept in Good Repair and maintained in a watertight condition.
- 19.2 All shingles that are missing, unsecured, damaged, worn, curling or cupping shall be replaced with a product matching the material and colour of existing materials.
- 19.3 Every chimney, smokestack, vent stack, or similar structure shall be plumb, maintained in good repair and free from defects including, but not limited to:
  - (1) loose and spalling bricks;
  - (2) defective mortar;
  - (3) loose and broken cappings, stanchions, braces, or attachments; and
  - (4) fire or accident Hazards.

## **20 Exterior Walls**

- 20.1 Every exterior wall and all components thereof, including but not limited to the, eavestroughs, downpipes, soffits, fascias, coping, and flashing, shall be maintained in Good Repair.
- 20.2 Every exterior surface on a Building or appurtenance thereto shall be maintained in Good Repair, and be protected by a weather coating material such as exterior grade paint or other protective treatment.
- 20.3 Every canopy, marquee, sign, awning, stairway, fire escape, standpipe, exhaust duct, air conditioner, and similar overhang extension shall be:
- (1) maintained in Good Repair;
  - (2) securely and appropriately anchored; and
  - (3) protected against decay and rust by the periodic application of a weather coating material such as exterior grade paint or other protective treatment.
- 20.4 Every exterior sign that is in a state of disrepair, unused, not cared for, or discarded, shall be removed from the Property, or repaired if the use of such sign is permitted under the City By-laws.
- 20.5 Every air conditioner that is installed and operated directly over a public sidewalk, shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

## **21 Exterior Doors and Windows**

- 21.1 Every window, exterior door, garage door, Basement Cellar hatchway, and all components thereof shall be maintained in Good Repair and free from defects, including, but not limited to:
- (1) damaged or defective door and window frames, shutters, screens, sashes, casings, weather stripping, and glass;
  - (2) damaged or defective door and window hardware;
  - (3) damaged or missing window screens; and
  - (4) damaged or missing locking hardware on exterior doors and windows.

## **22 Exterior Stairs, Porches, Decks and Balconies**

- 22.1 Every exterior landing, stair, porch, balcony, deck, ramp, loading dock, fire escape, or similar exterior structure and all components thereof, including the coverings, treads, risers, guards, and handrails shall be:
- (1) kept free from Refuse and Unsightly Conditions;
  - (2) free from actual or potential safety and accident Hazards; and
  - (3) maintained in Good Repair so as to be free from broken, defective, warped, loose, deteriorated, rotted, and worn components.

## **23 Exterior Guards and Handrails**

- 23.1 Every exterior guard and handrail shall be installed under permit where required and maintained in accordance with the *Ontario Building Code* so as to afford reasonable protection against injury to any Person in or on a Property.

**PART VII**

**INTERIOR MAINTENANCE AND OCCUPANCY STANDARDS**

**24 Occupancy Standards**

- 24.1 No room or area shall be provided for sleeping purposes unless:
- (1) it has been constructed with a building permit and reviewed for sleeping purposes;
  - (2) is in conformance with the *Ontario Building Code* requirements for the construction of a bedroom; and,
  - (3) there is a minimum floor area of 7 square metres (6 square metres if the room contains built-in closets).
- 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.
- 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.
- 24.4 No Person shall use or permit to be used a cooking appliance of any kind in any room used for sleeping purposes.
- 24.5 The Ceiling Height of rooms in a residential Dwelling Unit shall be:
- (1) 2.3 metres (7.6 feet) over at least fifty percent of the floor area or an average of 2.13 metres (7.0 feet) over all of the floor area; and
  - (2) 2.1 metres (6.4 feet) over at least seventy-five (75) percent of the floor area, with an average of 1.95 metres (6.4 feet) over all of the floor area in a second Dwelling Unit.

**25 Means of Egress and Exits**

- 25.1 Every floor area intended for occupancy shall be provided with a direct Means of Egress in accordance with the *Ontario Building Code*.
- 25.2 All Means of Egress and exits shall be maintained in Good Repair and free from objects, obstructions, or conditions that restrict the accessibility of such Means of Egress and exits.
- 25.3 Every Dwelling Unit shall have separate access so as to provide a safe, continuous and unobstructed exit from the interior of the Building to the exterior at the street or grade level.

**26 Cleanliness and Mould**

- 26.1 Every Dwelling Unit provided for residential accommodation shall be delivered in a clean and sanitary condition at the time of initial occupancy.
- 26.2 Every Occupant shall maintain the Property and the land in a clean, sanitary and safe condition and shall dispose of household garbage and Refuse on a regular basis, in accordance with City by-laws.
- 26.3 Every Building shall be kept free from Refuse, or any condition which constitutes an actual or potential fire, health, or safety Hazard.
- 26.4 Every Building shall be kept free from visible mould and, or mildew.
- 26.5 Every Occupant of a residential Property shall control and maintain the humidity, moisture, and condensation level indoors.



- 26.6 All interior floors, ceilings, and walls shall be kept free from dampness caused by the entrance of moisture through an exterior wall, window, roof, Cellar, Basement, or Crawl Space.
- 26.7 All damages or defects within a Building or part thereof that may cause water damage or mould growth shall be repaired.
- 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.
- (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.
  - (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.

## **27 Pest Prevention**

- 27.1 Every Property shall be kept free from infestations by rodents, vermin, and insects.
- 27.2 Every Owner shall take the appropriate steps to remove an infestation using a licensed pest control agency, and shall install preventative pest control measures, in accordance with all relevant legislation.
- 27.3 Every opening that may permit the entry of rodents, vermin or insects shall be appropriately screened or sealed.
- 27.4 All remnants of an infestation including feces and carcasses shall be removed and disposed of, and the area cleaned thereafter.

## **28 Interior Stairs, Guards and Handrails**

- 28.1 Every interior stair, landing, or similar interior structure and components thereof including coverings, treads, risers, guards, and handrails shall be:
- (1) maintained in Good Repair so as to be free from broken, defective, warped, loose, deteriorated, rotted, and worn components; and,
  - (2) free from actual or potential safety or accident Hazards.
- 28.2 Every interior guard and handrail shall be installed and maintained in accordance with the *Ontario Building Code* so as to afford reasonable protection against injury to any Person in or on a Property.

## **29 Interior Doors, Countertops, Cupboards**

- 29.1 Every interior door, closet door, cupboard door, countertop, cupboard, vanity, shelf, and their appurtenances shall be maintained in Good Repair.

## **30 Interior Walls and Ceilings**

- 30.1 Every wall and ceiling shall be free from holes, cracks, loose coverings, or other defects.
- 30.2 Every Dwelling Unit that is separated vertically from another Dwelling Unit or a non-residential occupancy, the dividing walls shall comply with the *Ontario Building Code* and [Fire Code](#).
- 30.3 Every Dwelling Unit that is separated horizontally from another Dwelling Unit or a non-residential occupancy, there shall be a finished ceiling that separates these occupancies in accordance with the *Ontario Building Code* and [Fire Code](#).

### **31 Interior Floors**

- 31.1 Every floor shall be smooth and maintained so as to be free from all loose, warped, protruding, broken, or rotted boards that may create a Hazard or unsanitary condition.
- 31.2 Every floor covered with linoleum, tile, carpet, or some other covering that has become worn or torn so that it retains dirt shall be repaired or replaced.
- 31.3 Every Basement, Cellar or Crawl Space that is not served by a stairway may have a dirt floor provided it is covered with a moisture-proof covering.
- 31.4 Every Basement or Cellar which is served by a stairway, shall have a concrete floor with an unobstructed floor drain located at the lowest point of the floor and connected to an approved disposal or sewer system.
- 31.5 Every Basement or Cellar floor shall be free from cracks or breaks in the concrete that create a potentially Hazardous condition.

### **32 Plumbing and Water Supply**

- 32.1 Every Dwelling Unit shall contain plumbing fixtures consisting of at least:
  - (1) a water closet;
  - (2) a kitchen sink;
  - (3) a washbasin; and
  - (4) a bathtub or shower.
- 32.2 Every Dwelling shall be provided with an adequate supply of potable hot and cold running water.
- 32.3 All hot water shall be supplied at a minimum temperature of 49 degrees C (120 degrees F).
- 32.4 Every kitchen sink, washbasin, bathtub, and shower fixture shall be maintained in Good Repair.
- 32.5 No toilet, urinal, or bidet shall be located in a room that has not been reviewed for the use of a bathroom.
- 32.6 All plumbing, drain pipes, water pipes, and plumbing fixtures in every Dwelling and every connecting line to the Sewage System shall be maintained in Good Repair and working Order in accordance with the relevant legislation. All water pipes and appurtenances thereto shall be protected from freezing.

### **33 Bathrooms**

- 33.1 Every bathroom and facility shall be kept clean, sanitary, and in a safe condition.
- 33.2 Every bathroom or toilet enclosure shall be fully enclosed and have a door capable of being locked from the inside, and opened from the outside in an emergency.
- 33.3 Every bathroom shall be finished with a water-repellent floor covering.
- 33.4 Every wall and ceiling around a bathtub or shower shall be water-resistant.
- 33.5 Every wall and ceiling of a bathroom shall be maintained in Good Repair, free from peeling, cracked, or missing paint.
- 33.6 Every bathroom shall be provided with an opening or openings for natural ventilation to the outdoors and have a minimum aggregate unobstructed free flow area of 930 sq. cms. (1 sq. foot).

- 33.7 An opening for natural ventilation may be omitted from a bathroom where a mechanical ventilation system is provided and operates in good working Order, venting directly to the outdoors.

### **34 Kitchens and Laundry**

- 34.1 Every kitchen shall be provided with an approved, connected, and operating electrical or gas supply for cooking and refrigeration appliances.
- 34.2 Every kitchen appliance which is supplied, shall be maintained in Good Repair.
- 34.3 Every laundry appliance which is supplied, shall be maintained in Good Repair, and serviced by an approved, connected, and operating electrical or gas supply.
- 34.4 Laundry drying equipment shall have a dedicated exhaust duct discharging directly to the outdoors.
- 34.5 Laundry drying equipment exhaust ducts shall be maintained free from obstructions.

### **35 Heating Systems**

- 35.1 Every Dwelling shall be provided with a heating system capable of maintaining a room temperature of not less than 20 degrees C (68 degrees F) at 1.52 metres (5 feet) above floor level and 0.92 metres (3 feet) from exterior walls in all habitable rooms and bathrooms.
- 35.2 Every Dwelling shall be provided with an adequate and continuous supply of fuel and electricity at all times for the provided heating system.
- 35.3 Every heating system shall be maintained in good working condition, and free from defects.
- 35.4 Every fireplace and other solid fuel-burning appliance shall be connected to a chimney flue, smoke pipe, or gas vent and maintained in Good Repair so as to be free from leaks, defects, and obstructions.
- 35.5 Every chimney, smoke pipe, flue, and vent shall be maintained free from any defects so as to prevent gases from leaking into the Building or Property.
- 35.6 Every fuel-burning heating system shall be enclosed when combustible materials are stored in the Basement.
- 35.7 Every fuel-burning central heating system in a Means of Egress shall be located in a separate room having walls, ceiling, and doors with a fire-resistance rating of not less than one (1) hour.
- 35.8 No room heater shall be placed so as to cause a fire Hazard to walls, curtains, and furniture, or to impede the free movement of Persons within the room where the heater is located.
- 35.9 Auxiliary heaters shall not be used as a primary source of heat.

### **36 Elevating Devices**

- 36.1 Every elevator, escalator, incline lift, and other elevating devices shall be certified to be in Good Repair, and in compliance with the [\*Technical Standards and Safety Act, 2000, S.O. 2000, c. 16\*](#) as amended and any regulations made thereunder.
- 36.2 Every elevating device and all mechanical and electrical equipment including the lighting, fixtures, lamps, control buttons, floor indicators, ventilation fans, emergency communication systems, and any similar devices shall maintained in Good Repair.

### **37 Electrical Service**

- 37.1 Every Building wired for electricity shall be connected to an approved electrical supply system, in accordance with the *Ontario Electrical Safety Code*.
- 37.2 All wiring, fixtures, switches, receptacles, and connections to them shall be maintained in a safe, good working condition in compliance with the *Ontario Electrical Safety Code*, so as not to overload the designed size of the service or cause a fire or electrical shock Hazard.
- 37.3 No fuse or overload device shall exceed the capacity indicated on the fuse panel.
- 37.4 Every habitable room in a Dwelling Unit shall have at least one duplex electrical outlet in Good Repair:
- (1) for the first 11.15 sq. metres (120 sq. feet) or less of floor area; and
  - (2) for each additional 9.3 sq. metres (100 sq. feet) or less of floor area.
- 37.5 No Person shall cause or permit the use of an extension cord directly through a transom, doorway, wall, ceiling, floor, or beneath a floor covering.
- 37.6 Every intercom and security system and all components thereof shall be maintained in Good Repair.
- 37.7 Every Owner shall Repair, or cause to be repaired the electrical components in accordance with *Ontario Electrical Safety Code* and Electrical Safety Authority standards.

### **38 Interior Lighting**

- 38.1 Every room or area used or intended to be used for occupancy shall have artificial lighting as required by the *Ontario Building Code*.
- 38.2 All artificial lighting and the connections thereto shall be maintained in Good Repair.
- 38.3 Every habitable room in a Dwelling or Dwelling Unit, except a kitchen, shall contain a window or skylight that complies with the *Ontario Building Code*.
- 38.4 Every window, skylight, and electrical lighting fixture shall be maintained in Order to furnish illumination in all passageways and stairways provided for use in case of fire or another emergency as required by the *Ontario Building Code*.
- 38.5 Every public hallway and stairway in a multiple residential Dwelling shall be illuminated at all times so as to provide safe passage at a minimum average of 21.6 lux (2-foot candles) at floor level.

### **39 Ventilation**

- 39.1 Every Building shall be ventilated in accordance with the requirements of the *Ontario Building Code*.
- 39.2 All systems of mechanical ventilation or air conditioning shall be maintained in Good Repair.
- 39.3 Every aperture, window, skylight, or louvre used for ventilation, shall be maintained so as to be unobstructed, easily opened, kept opened, and closed.
- 39.4 Where mechanical ventilation is used, the ventilating duct shall be installed at the exterior wall, no closer than 1.83 metres (6 feet) from a window located on an adjacent Building.

#### **40 Foundations, Structural Integrity, and Engineer Reports**

- 40.1 All foundation walls, columns, beams, and other structural members of a Building shall be maintained in Good Repair, in a safe and structurally sound condition, and capable of effectively supporting the designed loads imposed on them.
- 40.2 All Buildings, or any part thereof, shall be capable of sustaining its weight together with the loads that may be applied thereto by reason of its use and occupancy, natural causes such as snow, wind, and all other causes set out in the Ontario Building Code.
- 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.
- (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.
  - (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.

#### **41 Indoor Parking Facilities**

- 41.1 Every parking facility shall be maintained in a clean and safe condition.
- 41.2 Lighting in parking facilities shall be considered to be adequate if the number and arrangement to light fixtures are such as to provide an average level of illumination of at least 54 lux (5-foot candles) at floor level over the entire floor area with a minimum level of 10 lux (1-foot candle) at any location on the floor.
- 41.3 Every lighting fixture in parking facilities shall be protected from accidental or malicious damage by the provision of wire screens or other suitable means.
- 41.4 Every wall, ceiling, and column of a parking facility shall be luminous white; suitable for application to the material of which the walls, ceilings, and columns are formed; be washable; and be washed or renewed as often as is necessary to maintain their original reflective value.
- 41.5 Every parking facility shall be ventilated in accordance with the requirements of the *Ontario Building Code*.
- 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.
- (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.
  - (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 adequate for its use. This report shall be provided to the Officer.



**PART VIII**

**VACANT LAND**

**42 General Provisions**

- 42.1 All Vacant Land shall conform to Part IV of this By-law except where such condition is explicitly permitted in accordance with the permitted land use in the Zoning By-law, or any successor by-law.
- 42.2 Where such outdoor storage is permitted, however, determined to be a Nuisance, such goods, materials, equipment, Vehicles, sea containers, truck boxes, storage bins, seasonal Vehicles, boats, recreational Vehicles, and similar items shall be effectively screened by a fence constructed in accordance with the City's By-laws, relieving an Unsightly Condition that is out of place and not in harmony with the surrounding area.
- 42.3 All Vacant Land shall be kept clean and free from objects or conditions that may create potential health, fire, or safety Hazard.
- 42.4 All vacant land shall be kept free from the storage of equipment, Trailers, Vehicles, or materials that are not actively engaged with the maintenance or development of the Property.
- 42.5 Except on land used for agricultural purposes, Vacant Land shall be graded, filled, or otherwise drained so as to prevent the ponding of stormwater.

**PART IX**

**DAMAGED AND VACANT BUILDINGS**

**43 General Provisions**

- 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.
- 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.
- 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.
- 43.4 Every Building which is damaged, shall be properly supported, secured, and barricaded until the necessary Repair or demolition can be carried out.
- 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:
- (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;
  - (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
  - (3) Coverings shall be painted or otherwise treated so that the colour is compatible with the exterior of the Building.



**PART X**

**HERITAGE BUILDINGS**

**44 General Provisions**

- 44.1 In addition to the standards for the maintenance and security of Property set out in this by-law, the following minimum standards listed in Part X apply to the maintenance and security of all Buildings and structures on properties that are:
- (3) designated under Section 29 or 34.5 of the [Ontario Heritage Act](#); or
  - (4) situated within a heritage conservation district, designated under Section 41 of the [Ontario Heritage Act](#).

**45 Vacant Heritage Property**

- 45.1 The Owner of a Vacant Heritage Property shall protect the Heritage Attributes of the Property against the risk of fire, storm, neglect, intentional damage, or damage by other causes by effectively preventing the entrance of the elements, unauthorized Persons, or the infestation of pests by boarding up and securing any openings to the Building of the Vacant Heritage Property. Securing heritage resources shall comply with the following requirements:
- (1) All boarding must be ½ inch S.P.F. exterior grade plywood (not particleboard, fiberboard, or other forms of board sheathing);
  - (2) Boarding must be cut to completely and securely fit within all exterior structural openings;
  - (3) All boarding shall be maintained in Good Repair;
  - (4) All boarding shall be installed from the exterior;
  - (5) All boarding shall be fastened using wood screws only. Screws must be at least #8 gauge, countersunk, and not less than 3 inches in length. Each screw shall be spaced not more than 3 inches on centre around the entire perimeter of each plywood board
  - (6) All boarding shall be fitted securely and in a watertight manner to fit within the side jambs, the head jamb, and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding, and so as not to be easily detached by hand;
  - (7) All boarding used on windows and door openings shall be painted using exterior grade paint in a matt black;
  - (8) All other boarding shall be painted using exterior grade paint in a colour that blends with the exterior of the Building or structure;
  - (9) Interior doors, except those in fire separations, should be fixed ajar at least 4 inches to allow air to circulate throughout in Order to help prevent interior deterioration through excess humidity;
  - (10) Where a structural opening is irregular in shape or unusually large, alternate security measures shall be required to adequately secure these openings, such as steel mesh screening, grills, security bars, or cross-bracing over plywood;
  - (11) If the aforementioned measures prove insufficient to secure openings, additional augmentation measures shall be required, consisting of the installation of steel mesh enclosures or steel panels overall boarded ground floor openings; and

- (12) The exterior shall be maintained in Order to prevent moisture penetration and damage from the elements that may have an adverse impact on the Heritage Attributes.
- 45.2 The Owner of a Vacant Heritage Property shall ensure that all utilities serving the Building are properly disconnected, terminated, or capped unless such utilities are necessary for the safety and security of the Property, or unless such utilities are otherwise required by law to remain connected.
- 45.3 The Owner of a Vacant Heritage Property shall ensure that the following security measures are taken with respect to the Building or structure:
- (1) lock all doors and windows and ensure ongoing maintenance;
  - (2) close all Basement hatches, openings, Walkways, and windows;
  - (3) remove ladders, tools, equipment, and other materials that might be used to gain interior access;
  - (4) remove rubbish, garbage, parts of Vehicles and other equipment, discarded furniture, appliances, machinery, and debris from inside Buildings and structures and from around the Property;
  - (5) all floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the Vacant Heritage Property;
  - (6) significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines, and other vegetation on grounds surrounding vacant heritage Buildings, structures, and other resources shall be maintained and protected at all times in accordance with all relevant City by-laws;
  - (7) chain-off Driveways and all other direct means of vehicular access to the Property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable;
  - (8) temporary metal security fencing may be required around the perimeter of a Vacant Heritage Property. The fence shall be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high-security padlocks. Barbed wire (minimum of two strands) shall be installed along the perimeter of each fence, projecting inward toward the area that is enclosed by the fence.
- 45.4 The Owner of a Vacant Heritage Property shall:
- (1) post "No Trespassing" signs on all exterior elevations, including all points of access to the Property, and on gates and Property fencing; and
  - (2) post a heritage Notice that complies with City planning application graphics and signage standards and states:

**HERITAGE NOTICE**

*The structure on this Property is a designated heritage resource protected under the [Ontario Heritage Act](#) and applicable municipal law.*

*Please help us conserve our heritage.*

*For more information contact City Heritage staff at 905-874-3825 or 905-874-3744.*

## **46 Heritage Attributes**

- 46.1 In addition to all of the requirements and minimum standards for the maintenance, and security of Property set out in this Part IX and elsewhere in this By-law, the Owner of a Heritage Property shall:
- (1) maintain, preserve and protect the Heritage Attributes to maintain the heritage character, visual and structural heritage integrity of the Building or structure; and
  - (2) maintain the Property in a manner that will ensure the ongoing protection and preservation of the existing Heritage Attributes.

## **47 Alterations of Heritage Attributes**

- 47.1 Despite any other provisions of this by-law, in the case of Buildings and structures located on properties that have been designated under section 29, 34.5, or 41 of the [Ontario Heritage Act](#), no Owner shall alter the Property or permit the alteration of the Property if the alteration is likely to affect the Property's Heritage Attributes unless the Owner has acquired a heritage permit or other form of written consent from the City of Brampton.
- 47.2 Despite any other provisions of this by-law, in the case of Buildings and structures located on properties that have been designated under section 29, 34.5, or 41 of the [Ontario Heritage Act](#), no Owner shall alter the Property or permit the alteration of the Property if the alteration is likely to affect the Property's Heritage Attributes unless the Owner has acquired a heritage permit or other form of written consent from the City of Brampton.

## **48 Repair or Replacement of Heritage Attributes**

- 48.1 In Order to maintain, preserve and protect the Heritage Attributes of a Heritage Property, the Repair is always preferable to removal or replacement. the Heritage Attributes shall be repaired in a manner that:
- (1) minimizes damage to Heritage Attributes;
  - (2) maintains the design, finishes, form, physical appearance, colour, texture, grain, and other distinctive features and qualities of the Heritage Attributes; and
  - (3) is consistent with recognized conservation standards, best practices, and processes for the conservation of built heritage resources.
- 48.2 Despite any other provisions of this by-law, where it can be demonstrated that the Heritage Attributes of a Property cannot be repaired, the Heritage Attributes shall be replaced:
- (1) using the same types of materials, design, finishes, form, physical appearance, colour, texture, grain, and other distinctive features and qualities of the Heritage Attribute(s) being replaced; and
  - (2) where the same types of materials as the original are no longer readily available, alternative or substitute materials and finishes that generally replicate the design, finishes, form, physical appearance, colour, texture, grain, and other distinctive features and qualities of the Heritage Attributes may be used.

## **49 Demolition**

- 49.1 Despite any other provision of this chapter, or the [Ontario Building Code Act](#), no Building or structure located on Property that has been designated under Section 29, 34.5, or 41 of the [Ontario Heritage Act](#) may be altered or cleared, including but not limited to removed, demolished or relocated except by the [Ontario Heritage Act](#).

- 49.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations, and provided and maintained with a suitable ground cover.

**50 Conflict**

- 50.1 If there is a conflict between this Part IX and any other provision in this by-law or any other City by-laws, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

## **PART XI**

### **PENALTIES**

#### **51 Fines**

- 51.1 Every 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 \$50,000.00 for a first offence and a fine of not more than \$100,000.00 for any subsequent offence.
- 51.2 Despite 51.1, if a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for any subsequent offence.

#### **52 Administrative Penalties**

- 52.1 An Officer may require a Person, subject to the conditions set out within the Administrative Penalties (Non-Parking) By-law 218-2019, as amended, or successor by-law, to pay an administrative penalty if the Officer is satisfied that the Person has failed to comply with:
- (1) a provision within this by-law; or
  - (2) an Order of an Officer as deemed confirmed or as confirmed or modified by the Committee or a judge.
- 52.2 Every Person who is served a penalty Notice pursuant to section 52.1 is liable to pay to the City of Brampton an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 218-2019, as amended.

#### **53 Demolition or Repair by the City**

- 53.1 Employees or agents of the City may enter the Property at any reasonable time without a warrant in Order to effect the Repairs or demolish a Building where an Order to do so made under this by-law has been confirmed and has not been complied with, or where an emergency Order has been issued and the danger has not been immediately terminated.

#### **54 Repeal**

- 54.1 By-law 104-96 as amended is hereby repealed.

ENACTED and PASSED this [enter date] day of [enter month], 2022.

Approved as to  
form.  
  
2022/06/23  
  
Colleen Grant

\_\_\_\_\_  
Patrick Brown, Mayor

Approved as to  
content.  
  
2022/06/23  
  
J.P. Maurice

\_\_\_\_\_  
Peter Fay, City Clerk