

# The Corporation of the City of Kenora

## By-law Number 77 - 2017

### A By-law to Establish Standards for the Maintenance and Occupancy of Property in the City of Kenora

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**Whereas** subsection 15.1 (3) of the *Building Code Act*, S.O. 1992 provides that the Council of a municipality may pass a by-law to do the following things if an Official Plan that includes provisions relating to property conditions is in effect in the municipality:

1. prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and
2. requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition; and

**Whereas** the requisite Official Plan is in effect in the City of Kenora;

**Now Therefore** the Council of The Corporation of the City of Kenora enacts as follows:

#### Part I - Application and Interpretation

##### 1.01 Application

This by-law applies to all property within the City of Kenora except property owned or occupied by the Province of Ontario, Canada or The Corporation of the City of Kenora (the "Corporation").

##### 1.02 Higher Standards deemed to be Prescribed

Where another by-law in force in the City of Kenora establishes higher standards than those expressly set out herein, such higher standards shall be deemed to be prescribed in this By-Law and such standards may be enforced under either or both of this By-law and such other by-law.

##### 1.03 Definitions

In this By-law,

**"accessory building"** means either a building or a structure, the use of which is incidental to that of the main building situated on the same property, provided that building or structure is not used for human habitation;

**“adequate and suitable heat”** means a minimum air temperature within a dwelling unit of 21° Celsius. To meet the definition, the heating system involved must be capable of maintaining those temperatures at 1.5 metres above the floor level, in all habitable rooms;

**“adequate and suitable supply of hot water”** means a supply of hot water at a temperature of not less than 45° Celsius and not more than 49° Celsius in a quantity that is sufficient for normal household use at a flow and pressure sufficient for the intended use of the fixtures;

**“adequate and suitable supply of potable water”** means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen and/or cooking and/or dining facilities;

**“adequate and suitable supply of water”** means a continuous and uninterrupted supply of water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;

**“areaway”** means an underground structure used for the convenience of the adjacent building it serves. It is built separately, or attached to the building that it serves, and is built below ground. All or some of the structure may be exposed at ground level. Examples of areaways include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices;

**“basement”** means one or more storeys of a building located below the first storey;

**“building”** means a structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment;

**“Committee”** means the Property Standards Committee established under section 15.6 of the *Building Code Act*;

**“Corporation”** means The Corporation of the City of Kenora, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario;

**“debris”** means the remains of anything broken or discarded;

**“dwelling”** means a building or structure occupied or capable of being occupied for the purpose of human habitation; the term includes: a building containing only one dwelling unit, as well as buildings that contain more than one dwelling unit; further, the term includes any building that would be used for this purpose except for its state of disrepair;

**“dwelling unit”** means a building used as a residence by one or more persons. A dwelling unit usually contains cooking, eating, living, sleeping and sanitary facilities;

**“fence”** means a linear barrier erected, growing or maintained on land in the City of Kenora and includes a hedge, free standing wall, structure or partition of any material or combination of materials enclosing, partly enclosing or dividing land, or being used for decorative purposes;

**“first storey”** means the storey that has its floor closest to grade, with a ceiling more than 1.8 metres above grade;

**“front yard”** is defined below within the definition of “yard”;

**“ground cover”** means material applied to prevent the erosion of the soil. The term includes: materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

**“guard”** means a protective barrier installed to prevent accidental falls from one floor or stair level to another. The barrier may or may not have openings through it. The barrier must be rigid in construction;

**“habitable room”** means any room in a dwelling unit designed to be used for living, sleeping, cooking or eating purposes. The term does not include: bathrooms, laundry rooms, pantries, lobbies, corridors, halls, attics, stairways, closets, boiler rooms, other spaces for service or maintenance of the dwelling or access to or vertical travel between floors of the dwelling;

**“hazard”** means lands, buildings, structures or materials that are in an unsafe condition, or that constitute a fire risk;

**“hygienic supplies”** means toilet paper, soap and individual towels or other means of drying hands;

**“inoperative motor vehicle”** includes but is not limited to a motor vehicle that:

- (i) is unable to be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, in particular with missing wheels, tires, body components or windows; or
- (ii) does not have affixed to it a number plate with a current permit validation as required under the *Highway Traffic Act*;

**“lands”** means property;

**“motor vehicle”** means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act*;

**“non-residential property”** means any property that does not meet the definition of residential property. Where a particular property has both residential and non-residential uses at the same site, those portions of the property which meet the definition of “residential property” shall abide by the residential property standards in section 3 of this By-law, and those portions of the property which meet the definition of “non-residential property” must abide by the non-residential property standards in section 5 of this By-law, in all cases together with the applicable general provisions of this By-law;

A **“nuisance”** is a condition or use of land which unreasonably interferes with the lawful use of another person’s land. It typically involves an injurious, offensive or objectionable condition. Examples include:

- (i) emissions of smoke, gas, fumes, dust, or sawdust;
- (ii) objectionable noise or odours; or
- (iii) the unsightly storage of goods, wares, merchandise, waste or other material.

For clarity, a condition or use of land in some situations can be considered a nuisance where in other situations the same condition or use of land is not considered a nuisance. Proximity to neighbouring land and/or particular uses of neighbouring land will have an impact on whether or not a certain condition or use of land constitutes a nuisance. Further, relevant circumstances of the land in question can impact whether or not its condition or use is a nuisance. Persons living in urban areas must accept a certain level of disturbance as incident to life in such areas without that disturbance being considered to be a nuisance.

**“occupant”** means any person or persons over the age of 18 years in possession of the property;

**“officer”** means a property standards officer;

**“Order”** means a property standards order issued by an officer;

**“owner”** includes,

- (i) the person for the time being managing or receiving the rent of the lands or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the lands and premises were let; and
- (ii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

**“passage”** means a route for the movement of persons from the interior of a dwelling unit to the ground level of the exterior of the building within which the dwelling unit exists;

**“potable water”** means water meeting all provincial standards for drinking water;

**“professional”** means an engineer, architect, or other person with credentials required by the circumstance, who is accredited as such in a manner satisfactory to the officer;

**“property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

**“property standards officer”** means the Chief Building Official and any other person who has been assigned the responsibility of administering and enforcing this By-law;

**“rented dwelling unit”** means a dwelling unit, whether self-contained or not, that is occupied as a residence by someone other than the owner of the land on which it exists, whether or not the occupant pays anything for the right of occupancy. The term does not include seasonal vacation property including camps, cottages, trailers, and cabins unless same are occupied on a year-round basis;

**“rear yard”** is defined below within the definition of “yard”;

**“repair”** includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;

**“residential property”** means property that is occupied by at least one person as his or her residence;

**“structure”** means anything other than a building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, signs, swimming pools and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks or retaining walls;

**“swimming pool”** means and includes any body of water used for swimming or wading contained in part or in whole by artificial means, constructed above or below the grade level of the surrounding land and having a depth of more than 610 mm at any given point;

**“unsafe condition”** is a descriptive phrase for property that is in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the property in question;

**“unsafe container”** means any container having a volume of greater than 0.5 m<sup>3</sup> which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;

**“vacated property”** means property containing buildings or structures which are not regularly occupied or regularly used by the owner or by any authorized occupant and/or containing buildings or structures which have been damaged by accident, storm, fire, neglect or otherwise;

**“vacant property”** means property which has no buildings or structures on it and which is not devoted to the practice of farming;

**“vermin”** means mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Without limitation, samples include: skunks, rats, termites, poisonous insects or reptiles, moths and mice;

**“waste”** means garbage, refuse, debris, litter, yard waste or any materials or substances that appear to be discarded or abandoned and for greater certainty, includes, whether of value or not:

- i) accumulations of litter, remains, rubbish, trash;
- ii) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
- iii) paper;
- iv) cartons;
- v) dilapidated furniture or any indoor furniture;
- vi) crockery, dishes, pots, pans, glass, cans, containers;
- vii) garden refuse and trimmings;
- viii) material from or for construction and demolition projects;
- ix) domestic waste;
- x) commercial waste;
- xi) dead or dying trees, branches or shrubs;
- xii) tree cuttings or twigs, branches and brush cut or otherwise severed from any shrub or tree;
- xiii) waste lumber, excepting only cut and stacked firewood for use in a fireplace on the property;
- xiv) inoperative motor vehicles or machinery;
- xv) motor vehicle parts or machinery parts;
- xvi) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- xvii) earth or rock fill;
- xviii) clothing or other household linens lying in an unprotected condition;
- xix) objects or conditions that may create a health, fire or accident hazard; and
- xx) animal waste products, animal feces, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land;

**“yard”** means an area of land on a property over which no building is erected;

a **“front yard”** is the yard that is between the front wall of the main building on the property and the front property line; the front yard extends across the entire width of the property, extending to the boundary out from the building wall;

a **“rear yard”** is the yard that is between the rear wall of the main building on the property and the rear property line; the rear yard extends across the entire width of the property, extending to the boundary out from the building wall; and

a **“side yard”** is the yard that is between any side wall of the main building on the property and the side property line that wall faces; the side yard is contained between the rear yard and the front yard.

#### **1.04 Specific Interpretation Rules**

- (1) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (2) References to items in the plural in this By-law include the singular, as applicable, and vice versa.
- (3) This By-law is to be read with all changes of gender or number required by the context.
- (4) The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them.
- (5) The term “used” when referring to land, buildings or structures is interpreted as including “intended to be used”.
- (6) Reference to a building, structure, yard or land includes that building, structure, yard or land in whole or in part.
- (7) In this By-law, the word "metre" may be represented by the abbreviation "m" and the word "centimetre" may be represented by the abbreviation "cm".
- (8) Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.
- (9) Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

## **1.05 Legislation**

References to legislation in this By-law are printed in italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the Ontario Building Code, which is Regulation 332/12 passed under that statute.

## **1.06 Severability**

If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

## **Part II - General Standards for all Property**

### **2.01 Application of Standards**

Subject to section 1.01, the standards set out in Part II apply to all property within the City of Kenora, regardless of its use, unless another specific provision of this By-law provides a different standard for a particular property use.

### **2.02 Exemption for Normal Farm Practices**

This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, from carrying out a normal farm practice.

### **2.03 General Duty to Repair and Maintain Land**

- (1) The occupancy or use of property that does not conform with the standards prescribed in this By-Law is prohibited.
- (2) Property that does not conform with the prescribed standards shall be repaired and maintained to conform therewith by the owner or the site shall be cleared of all buildings, structures, waste and left in graded and leveled condition by the owner.
- (3) All repairs and maintenance of land shall be carried out with suitable and sufficient materials and in a manner accepted as work of good quality within the trades concerned and as required by law and, without restricting the generality of the foregoing, all new

construction or repairs shall conform to the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, and the *Electricity Act, 1998*, where applicable.

## **2.04 Prohibition Against Renting Lands That Do Not Meet Standards**

No owner of lands shall permit the use or occupancy of, and/or rent or lease to, and/or offer to rent or lease to, another person, any land that does not conform to the provisions of this By-law.

## **2.05 Structural Adequacy**

- (1) Every owner of a building or structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.
- (2) If, in the opinion of an officer, there is doubt as to the structural condition and adequacy of a building or structure, the officer may order that the building or structure be examined by a professional, at the owner's expense, and that the professional provide a written report. The written report, including drawings, signed and sealed by the professional, and giving details of the findings of the examination, shall be submitted to the officer.
- (3) Examination and testing of any building or structure shall be conducted in a manner acceptable to the officer and at the owner's expense.
- (4) Details and drawings of all temporary shoring or other work deemed necessary by the professional shall be included with the report required by subsection 2.05(2) above.
- (5) All remedial or temporary work recommended by the professional shall be completed by the owner in the manner and within the time specified by the officer.
- (6) On completion of all of the work, the owner shall cause a report signed and sealed by the professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the officer.

## **2.06 Structural Requirements**

- (1) Every owner of a building or structure shall maintain the interior floors, ceilings and walls in a manner free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a basement or crawl space floor.
- (2) Every owner of a building or structure shall maintain the foundation walls of that building so as to prevent the entrance of excessive moisture.

- (3) Every owner of a building or structure, excepting those constructed with slab-on-grade construction, shall maintain foundation walls or piers which extend below the frost line, or to solid rock.

## **2.07 Details for Section 2.06**

The maintenance required by section 2.06 includes but is not limited to: the shoring of the walls to prevent settling, installing sub-soil drains, where necessary, at the footings, grouting masonry cracks, and damp-proofing and waterproofing walls, joints and floors.

## **2.08 Exterior Building Requirements**

Every owner of a building shall:

- (a) keep walls, roofs and other exterior parts of that building free from loose or improperly-secured objects or materials;
- (b) keep walls, roofs and other exterior parts of that building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;
- (c) treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or vermin;
- (d) maintain the exterior walls of that building, and their components, free of unauthorized signs, painted slogans, graffiti and similar defacements;
- (e) maintain the roof of that building, including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the building;
- (f) maintain the roofs of that building so that they are kept clear of dangerous accumulations of ice and/or snow;
- (g) maintain every chimney of that building, together with the components of that chimney, free from loose bricks and mortar, or any other defects;
- (h) maintain the flue and flue pipes of the chimney in accordance with the *Fire Protection and Prevention Act, 1997*;
- (i) maintain every stairway, fire escape, balcony, porch, landing or canopy so as not to be in an unsafe condition, and so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects;
- (j) maintain all windows, doors, skylights and basement hatchways of that building in good repair, weather-tight and reasonably draught-free, to prevent infiltration by the elements;
- (k) provide adequate lighting for all parking spaces; and

- (l) maintain finished exterior surfaces so that no more than 25% of the finish on any area of any exterior wall is blistered, cracked, flaked, scaled, or chalked away.

### **2.09 Exemption from Subsection 2.08(d)**

Subsection 2.08(d) does not apply to prevent graffiti, signs and painted slogans which have otherwise been permitted under a by-law or other authority of the Corporation.

### **2.10 Details for Subsection 2.08(e)**

Maintenance in subsection 2.08(e) includes but is not limited to: repairing the roof, fascia board, soffit, cornice, and flashing; applying waterproof coatings; and installing or repairing eavestroughs and rain water piping.

### **2.11 Details for Subsection 2.08(i)**

Maintenance in subsection 2.08(i) includes but is not limited to: repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose; repairing, renewing or supporting structural members that are rotted, deteriorating or loose; and painting.

### **2.12 Details for Subsection 2.08(j)**

Maintenance in subsection 2.08(j) includes but is not limited to: painting; the application of preservative; renewing or replacing rotten or damaged doors, door frames, window frames, sashes and casings; refitting doors and windows; weather stripping; and replacing broken window and door glass and defective door and window hardware.

### **2.13 Building Requirements for Elements that May Be Exterior or Interior**

Every owner of a building containing at least one dwelling unit shall:

- (a) install and maintain a handrail on the open side of any stairway or ramp containing three (3) or more risers (including the landing); and
- (b) install and maintain guards around openings in floor areas and on the open sides of stairways or ramps with three (3) or more risers (including the landing), landings, balconies, mezzanines, porches, galleries, raised walkways, and other locations, as required.

### **2.14 Property Damage**

- (1) A building or structure which is damaged from any cause whatsoever, including, without limitation, accident, natural causes or vandalism, shall be demolished or repaired by the owner as soon as is practicable, subject to subsection 2.14(2).

- (2) Where the damage referenced in subsection 2.14(1) resulted in the lands being in an unsafe condition, immediate steps shall be taken by the owner to prevent or remove that unsafe condition. The building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out, in accordance with subsection 2.14(1).
- (3) Where the damage referenced in subsection 2.14(1) involves exterior surface defacing by smoke, water or other causes, the owner shall remove the defaced material, and shall refinish the area in a manner acceptable to the officer.

## **2.15 Retaining Walls**

Every owner or occupant of property which contains retaining walls shall maintain those retaining walls in a manner which does not:

- (a) adversely affect the safety of the public;
- (b) adversely affect the safety of vehicular or pedestrian traffic;
- (c) constitute an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interfere with the use of a highway, public sidewalk or lane.

## **2.16 Hazard Prevention**

Every owner of a property shall keep that property in good repair so as to prevent hazards.

## **2.17 Buildings, Structures & Retaining Walls - Surface Treatment**

Every owner of a property shall treat the surfaces of buildings, structures and retaining walls on that property with appropriate weather-resistant materials, including paint or other suitable preservatives.

## **2.18 Exemption from Section 2.17**

The requirements of section 2.17 do not apply if the material used in construction of the structure is inherently resistant to deterioration.

## **2.19 Parking Areas and Driveways**

Every owner of a property which is used for vehicular traffic and parking shall maintain and keep in good repair those parts of the property used for same with a surface covering of asphalt, concrete, or compacted stone or gravel. Further, the owner must keep these areas in good repair.

## **2.20 Lighting of Yards**

Every owner and occupant who erects or maintains lights to illuminate any yard, or objects within the yard, such as signs, shall arrange, install, design and maintain the lights so as to deflect away from abutting property which are used for residential purposes. Alternatively, they may provide and maintain effective barriers to prevent the light from lamp standards, signs, and other sources from shining directly into a dwelling unit on neighbouring property.

## **2.21 Steps, Walkways, Pedestrian Areas**

Every owner of a property shall maintain steps, walkways, sidewalks and other areas intended for use by pedestrians in a manner which affords safe passage under normal use and normal weather conditions, day or night.

## **2.22 Swimming Pools**

Every owner of property upon which a swimming pool exists shall maintain that swimming pool:

- (a) in a clean and safe condition;
- (b) free from leaks and faulty components and equipment; and
- (c) in conformity with all other by-laws of the Corporation relating to swimming pools.

## **2.23 Exemption from Section 2.22**

Section 2.22 does not apply to swimming pools regulated under the *Health Protection and Promotion Act* (Public Pools Regulation).

## **2.24 Pest Prevention**

Every owner and occupant of a property shall:

- (a) keep the buildings and structures on that property free of vermin at all times; and
- (b) keep all openings of buildings on that property containing dwelling units that might permit the entry of vermin appropriately screened or sealed.

## **2.25 Discharge of Sewage**

Where lands are serviced by the Corporation's sanitary sewer system, the owner of those lands shall not discharge sewage of any kind onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

## **2.26 Where Property Not Serviced by the Corporation's Sanitary Sewer System**

Where a property is not serviced by the Corporation's sanitary sewer system, the owner of the property shall have a pit privy or a composting toilet or, where a pressurized water system and a septic disposal system are available, an indoor flushing toilet.

### **2.27 Prevention of Ponding**

Every owner of a building or structure shall provide a roof drainage system and, where necessary, a sump pit system and other measures, so configured, installed and maintained so as to prevent recurrent ponding of water on the property or on neighbouring property whether directly abutting or not, including, without limitation, ditches, highways, boulevards and sidewalks.

### **2.28 Rainwater Leader – Disconnection from Sanitary Sewer**

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from discharging or draining into the Corporation's sanitary sewer system.

### **2.29 Prevention of Drainage Into Building**

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from creating a concentrated flow of water which may penetrate the building or structure.

### **2.30 Garbage Disposal - Adequacy**

Every owner of property that is occupied shall provide for the occupants a sufficient number of receptacles to contain all waste that accumulates on the property between the regularly-designated collection days. This is a requirement whether or not the Corporation provides waste collection services to the property in question. Such receptacles shall be so constructed and secured that the contents are inaccessible to animals, insects and birds.

### **2.31 Garbage Disposal - Receptacle Requirements**

To meet the requirements of section 2.30, the receptacles provided by the owner shall be so constructed as to be free of holes, breaks or cracks, and must have smooth surfaces with finishes that are impervious to water.

### **2.32 Garbage Disposal - Cleanliness Requirements**

Every owner of property shall maintain the receptacles required by section 2.31 so that they remain free of holes, breaks or cracks, and are cleaned and disinfected regularly to prevent odours and/or hazards.

### **2.33 Garbage Disposal - Municipal Collection**

Where the Corporation provides property with waste collection services, the owner and occupant shall place all waste in a suitable container which is made available for removal in accordance with the Corporation's applicable by-laws and policies.

### **2.34 Garbage Disposal - Nuisance Prevention**

Where the owner or occupant of property stores waste out-of-doors, he or she shall provide an effective container or barrier that prevents such waste from encroaching onto, or escaping onto, abutting or neighbouring property.

### **2.35 Air Conditioner - Maintenance**

Every owner and occupant of property with installed air conditioning units of any size or type shall maintain the units and their associated mechanical ventilating, electrical systems and any supporting structures in good repair and in a safe condition.

### **2.36 Air Conditioner - Condensation Control**

- (1) Every owner and occupant of property with installed air conditioning units of any size or type shall equip the units with adequate devices to prevent condensation from the use of the system from draining onto areas which persons are reasonably expected to be.
- (2) Every owner and occupant of property with installed air conditioning units of any size or type must equip the units with adequate devices to prevent condensation from the use of the system from draining onto abutting property.

### **2.37 Electrical Service**

Every owner of property shall install and maintain the electrical wiring and all electrical fixtures located or used on the land in good working order and in conformity with the *Electricity Act, 1998*.

### **2.38 Nuisances**

- (1) No owner or occupant of property shall use the property in a manner which creates a nuisance.
- (2) No owner or occupant of property shall allow a condition to develop and remain on the property in a manner which creates a nuisance.

### **2.39 Property to be Kept Free from Waste**

Every owner and occupant of a property shall keep it clean and free from waste, whether or not the waste was placed on the property by the owner or the occupant or by a person with or without the permission of the owner or occupant.

### **2.40 Exemption**

Nothing in section 2.39 prohibits the disposal of waste on any property which has been lawfully designated and/or licensed for that purpose by the Corporation or another authority with jurisdiction.

### **2.41 Inoperative Motor Vehicles and Parts**

Property shall not be used by an owner or occupant of the property for the storage of inoperative motor vehicles or parts of motor vehicles, except in compliance with section 2.42 of this By-law.

### **2.42 Storage of Inoperative Motor Vehicles and Parts Permitted**

The storage of inoperative motor vehicles and/or motor vehicle parts is not prohibited where:

- (a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;
- (b) the inoperative vehicle or motor vehicle parts are stored in an enclosed building for a purpose other than:
  - (i) wrecking or dismantling of them or salvaging parts from them for sale or other disposition; or
  - (ii) a vehicle repair or machinery repair business purpose; or
- (c) the storage in a yard is of a single vehicle which is fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.
- (d) the inoperative motor vehicles and/or motor vehicle parts constitute inoperative agricultural machinery and/or inoperative agricultural vehicles on a farm provided that the inoperative agricultural machinery or inoperative agricultural vehicles are placed or arranged so as not to create a safety or health hazard to persons on the property, and, in particular, so as not to block emergency access to or from the property.

### **2.43 Property to be Kept Free from Hazards**

Every owner and occupant of a property shall not allow an unsafe condition to arise or continue thereon.

### **2.44 Unsafe Containers**

No owner or occupant of a property shall place, keep or store unsafe containers thereon.

### **2.45 Holes, Excavations and Trenches**

Every owner and occupant of a property shall prevent the existence or continuance on the property of any holes, pits, excavations or trenches which create an unsafe condition.

#### **2.46 Exemption from Section 2.45**

Despite section 2.45, the existence or continuance on a property of any holes, pits, excavations or trenches is permitted, provided the property, or the hole, pit, excavation or trench on the property, is secured so as to prevent accidents or injury.

#### **2.47 Grass, Weeds and Other Vegetation to be Kept Trimmed**

Every owner and occupant of a property shall keep the grass and weeds and other vegetation upon the property trimmed so as not to exceed 20 centimetres in height.

#### **2.48 Undergrowth**

Every owner and occupant of a property shall not allow undergrowth to develop on the property which is inconsistent with the surrounding environment.

#### **2.49 Vegetation & Landscaping Features**

Every owner and occupant of a property shall eliminate vegetation or unnatural landscaping features on that property which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interferes with the use of a highway, public sidewalk or lane.

#### **2.50 Ground Cover Requirement**

Every owner and occupant of a property shall cultivate it, or, alternatively, protect the soil thereof from erosion using ground cover.

#### **2.51 Caution With Respect to Section 2.50**

Every owner and occupant of a property is advised to review all applicable legislation and the Corporation's other by-laws and policies with respect to ground cover before determining which type of ground cover to employ in order to comply with section 2.50. There may be requirements for a certain amount of permeable ground cover (as opposed to concrete or other

impermeable ground cover). Compliance with section 2.50 of this By-law does not excuse non-compliance with the requirements of other by-laws or policies.

### **2.52 Erosion**

Every owner and occupant of a property shall not allow mounds of earth, sand, gravel or like materials to be exposed to erosion on that property.

### **2.53 Ponding of Storm Water**

Every owner and occupant of a property shall keep the property graded, filled up or otherwise drained so as to prevent excessive or recurrent ponding of water on the property and/or the entrance of water into a building or structure.

### **2.54 Drainage**

- (1) Every owner and occupant of a property shall not allow a system of drainage from any source which allows water to pond on the property or on neighbouring property whether directly abutting or not, and including, without limitation, ditches, highways, boulevards and sidewalks.
- (2) No owner or occupant of property shall obstruct, or cause or permit the obstruction of, a watercourse on their property.

### **2.55 Fences**

Every owner and occupant of a property shall ensure that no fence is erected or maintained on the property in a manner which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves;
- (e) interferes with the use of a highway, public sidewalk or lane; or
- (f) is not in conformity with all other by-laws of the Corporation relating to fences.

### **2.56 Fences - Hazard Prevention**

Every owner and occupant of a property shall maintain the fences thereon so that they are not in an unsafe condition.

### **2.57 Fences - Defaced**

Every owner and occupant of a property shall not maintain or allow signs, painted slogans, graffiti and similar defacements on any fence on the property.

### **2.58 Exemptions from Section 2.57**

Section 2.57 does not apply to prevent graffiti, signs and painted slogans which have otherwise been authorized under a by-law or other authority of the Corporation.

### **2.59 Fences – Surface Treatment**

Every owner and occupant of a property shall treat the surfaces of fences thereon with appropriate weather-resistant materials, including paint or other suitable preservatives. This requirement does not apply if the material used in construction of the fence is inherently resistant to deterioration.

### **2.60 Composting Rules**

Every owner and occupant of property, with the exception of an owner of property in the RU (Rural) or RR (Rural Residential) zone under the City of Kenora Zoning Bylaw, shall:

- a) have not more than 2 compost heaps on their property; and
- b) ensure that each compost heap in the yard of their property:
  - (i) has a maximum size of 1 m<sup>3</sup>;
  - (ii) is located a minimum of 1 metre from any property line;
  - (iii) is enclosed on all sides by concrete blocks or lumber, or be maintained within a 205 litre or smaller container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting; and
  - (iv) is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract vermin or other animals to the compost.

## **2.61 Improper Composting**

Every owner or occupant of a property shall not undertake composting or allow compost to be or continue on the property in a manner contrary to that set out in section 2.60.

## **2.62 Exemption**

Sections 2.60 and 2.61 do not apply to composting undertaken on a property exceeding 1.66 hectares in size, provided the composting activity takes place more than 50 metres from a building which is used as a residence and whether or not such building is situate on the same property.

## **Part III - Additional Standards for Residential Property**

### **3.01 Application of Standards**

Standards within Part III apply to all residential property, in addition to the standards in Part II of this By-law. Where there is a conflict between standards in Part II of this By-law and the standards in Part III, then, with respect to residential property, the standards in Part III prevail.

### **3.02 Interior Building Requirements**

Every owner of a building containing at least one dwelling unit shall:

- (a) maintain every floor, wall, ceiling and fixture of that building in a clean, sanitary and safe condition;
- (b) maintain every wall, ceiling and floor in a dwelling in good repair so as to provide a continuous surface free of holes, large cracks, loose coverings or other defects;
- (c) maintain the walls surrounding showers and bathtubs in that building so that they are impervious to water;
- (d) maintain every ceiling, both sides of an interior wall and the interior side of an exterior wall in that building so as to be covered with a durable material that is resistant to cracking, scratching or breaking, or, alternatively, regularly paint or decorate so as to provide a finished surface which can be easily cleaned;
- (e) maintain every floor in that building so that it is reasonably smooth and level and free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of vermin;
- (f) maintain any floor in that building that is covered with linoleum or a similar covering, so that it is not torn or worn so that it retains dirt or is in an otherwise unsafe condition;

- (g) maintain every floor in a bathroom, kitchen, shower room, and laundry room within that building in good repair, impervious to water and readily cleaned;
- (h) not install or maintain a toilet or urinal within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes;
- (i) provide in every habitable room and every bathroom, natural ventilation consisting of an opening or openings to the external air, with a minimum aggregate unobstructed free flow area of 0.09 m<sup>2</sup> for bathrooms or water closet rooms, 0.28 m<sup>2</sup> for dining rooms, living rooms, bedrooms, kitchens, combined rooms, dens, recreation rooms, and all other finished rooms or, alternatively, mechanical ventilation which shall change air at a rate of one-half air change per hour if the room or space is mechanically cooled in the summer and one air change per hour if it is not;
- (j) where an aperture such as a window, skylight or louvre is used for ventilation, maintain it so as to be easily opened and screened from the outside, and so that it may be kept open and easily closed;
- (k) vent, to the outside air, every basement or unheated crawl space by means of screened windows which can be opened, or by louvres with screened openings, the area of which is not less than 0.1 m<sup>2</sup> unobstructed vent for every 50 m<sup>2</sup> of floor area; and
- (l) maintain adequate ventilation to attics and roof spaces.

### **3.03 Habitable Room Lighting Requirements**

- (1) Every owner of a building containing at least one dwelling unit shall provide every habitable room (with the exception of kitchens and bathrooms) with a window, skylight or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this section.
- (2) For living and dining rooms, the opening for natural light shall be equal to or greater than 10% of the floor area.
- (3) For bedrooms and other habitable rooms, the opening for natural light shall be equal to or greater than 5% of the floor area.
- (4) The glass area of a door may be considered as a portion of the required window area.

### **3.04 Exterior Building Requirements**

Every owner of a building containing at least one dwelling unit shall:

- (a) maintain television aerials, satellite dishes and other roof structures so that they are free from excess soil, peeling paint and/or deterioration; and

- (b) provide solid core doors for all entrances to dwelling units in accordance with the *Fire Protection and Prevention Act, 1997*.

### **3.05 Rules for Domestic Storage of Materials in Rear and Side Yards of Residential Property**

Domestic materials other than waste may be stored in a rear yard or a side yard of a residential property subject to the following rules:

- (a) the storage of these materials shall not exceed 25% of the area of the side or rear yard in which it is being stored;
- (b) the storage shall be undertaken through the use of neat piles; and
- (c) the storage shall be undertaken in a manner which does not create an unsafe condition.

### **3.06 Improper Domestic Storage of Materials in Rear or Side Yards**

Every owner and occupant of a property shall ensure that there is no domestic storage of materials in a rear yard or a side yard in a manner contrary to that prescribed in section 3.05.

### **3.07 Storage of Domestic Materials Prohibited in Front Yard**

Every owner and occupant of a residential property shall ensure that there is no domestic storage of materials in a front yard of such property.

### **3.08 Exemptions**

- (1) Sections 3.05, 3.06, and 3.07 do not apply to a property exceeding 1.67 hectares in size.
- (2) Sections 3.05, 3.06, and 3.07 do not apply to prevent the temporary storage of materials or debris resulting solely from the construction, demolition or alteration of a building, provided that:
  - (a) it is removed frequently and in its entirety from the land; and
  - (b) it does not cause an unsafe condition.

### **3.09 Bathroom Facilities in Self-Contained Dwelling Units**

- (1) Every owner of a building containing at least one dwelling unit shall provide each self-contained dwelling unit in the building with:

- (a) a bathroom consisting of at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit;
  - (b) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin and bathtub and shower in a bathroom;
  - (c) an adequate and suitable supply of water for every water closet in a bathroom; and
  - (d) accessibility to at least one bathroom from within the dwelling unit.
- (2) Every room containing a toilet, urinal or bidet shall also contain a washbasin and the facilities to make up the bathroom required by (a) above may be contained in more than one room.

### **3.10 Facilities in Dwelling Units With Shared Bathrooms**

Every owner of a building containing at least two dwelling units involving shared bathrooms shall provide each dwelling unit in the building with access to at least one bathroom meeting the standards in this section.

- (a) Facility Standard: The bathroom shall have at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit. Subject to subsection 3.10(f), the facilities to make up the bathroom required by this subsection may be contained in more than one room.
- (b) Water Standards: All bathrooms shall have:
  - (i) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin and bathtub and shower; and
  - (ii) an adequate and suitable supply of water for every water closet.
- (c) Supply Standards: There shall be at least one bathroom meeting these standards for every two (2) dwelling units within the building which require the occupants to share bathroom facilities.
- (d) Access Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have an appropriate entrance from a common passageway, hallway, corridor or other common space.
- (e) Privacy Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have a door capable of being locked so as to allow privacy for the persons using it.
- (f) Health Standards: Each room that contains a toilet, bidet or urinal that is intended for shared use between occupants of different dwelling units shall also have a washbasin.

### 3.11 Plumbing Facilities and Water Supply

- (1) Every owner of a building containing at least one dwelling unit shall provide each dwelling unit in the building with:
  - (a) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin, bathtub and shower, and kitchen sink in the dwelling unit; and
  - (b) hot water supplied at a temperature of not less than 45° Celsius and not more than 49° Celsius.
  
- (2) In addition, every owner of a building containing at least one dwelling unit shall:
  - (a) maintain all plumbing pipes and fixtures, including: drains, water supply pipes, and water closets, in good working condition, free of leaks and defects;
  - (b) maintain all water pipes and appurtenances to water pipes in a manner that protects them from freezing;
  - (c) connect (and maintain the connection of) all plumbing fixtures to the sewage system in accordance with the *Building Code Act, 1992*, as well as all relevant by-laws and policies of the Corporation; and
  - (d) install (and maintain the installation of) every fixture of such materials, construction and design so as to have all exposed surfaces of all parts readily accessible for cleaning, and free from defects.

### 3.12 Electrical Services

Where lands are serviced by a hydro utility, every owner of a building containing at least one dwelling unit shall provide a complete electrical wiring system, with all electrical fixtures installed and maintained in good working order and in conformity with the *Electricity Act, 1998*.

### 3.13 Occupancy Standards for Dwelling Units

Every owner of a residential property shall:

- (a) abide by the requirements of the *Building Code Act, 1992* and all other applicable laws with respect to the maximum number of persons residing on a permanent basis in a dwelling unit;
- (b) not use or allow the use of a room for sleeping purposes unless it meets the requirements of the *Building Code Act, 1992* and all other applicable laws in that regard;
- (c) not allow a basement to be used as a dwelling unit unless it conforms to the following requirements:

- (i) each habitable room complies with all the requirements set out in this By-law;
  - (ii) floors and walls are constructed so as to be damp proof and impervious to water leakage; and
  - (iii) each habitable room is separated from service rooms by a suitable fire separation and approved under the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997* and all other applicable laws;
- (d) provide and maintain for each dwelling unit, whether the dwelling unit is self-contained or not, entrance/exit doors that close securely and that are each fitted with adequate hardware, including a locking device.

## **Part IV - Additional Standards for Rented Dwelling Units**

### **4.01 Application of Standards**

Standards prescribed in Part IV apply to all rented dwelling units, in addition to the standards in Parts II and III of this By-law. Where there is a conflict between standards in Parts II or III of this By-law and the standards in Part IV, then, with respect to rented dwelling units, the standards in Part IV prevail.

### **4.02 Windows**

All windows in a rented dwelling unit that are able to be opened shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.

### **4.03 Window Safety Devices Above First Storey**

All windows in rented dwelling units that are located above the first storey and have a sill less than 480 millimetres from the finished floor are to be protected by guard or have an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 millimetre diameter sphere, as provided for in the *Building Code Act, 1992*.

### **4.04 Doors**

- (1) All exterior doors in a rented dwelling unit shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.
- (2) At least one entrance door to a rented dwelling unit shall have suitable hardware so as to permit locking or securing from both inside and outside the dwelling unit.

### **4.05 Entry Voice Communication/Security System**

Where a voice communication unit, working in conjunction with a security locking and release system controlling an entrance door, is provided by the owner of a rented dwelling unit, that system shall be maintained in good working order at all times.

#### 4.06 Kitchens

Kitchens in rented dwelling units shall have:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a counter or work area, exclusive of the sink, covered with a material that is impervious to moisture and grease that is easily cleanable; and
- (c) adequate space for both a stove and a refrigerator, including suitable electrical or gas connections.

#### 4.07 Heating

- (1) Where a rented dwelling unit is heated by or at the expense of the owner rather than the occupant, the owner shall provide the dwelling unit with adequate and suitable heat.
- (2) The heating system shall not require auxiliary heaters to be used as a primary source of heat.

#### 4.08 Passages

- (1) Every rented dwelling unit shall have a safe, continuous and unobstructed passage.
- (2) Every owner of a rented dwelling unit shall maintain the passage for that unit in good repair, free of debris, objects and unsafe conditions.
- (3) All passages must conform to the *Fire Protection and Prevention Act, 1997*.

#### 4.09 Disconnecting Utilities by Owner

Every owner of a rented dwelling unit shall not disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to any rented dwelling unit, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering that service or utility. This section does not relieve landlords from notice and other obligations in the *Residential Tenancies Act, 2006*.

#### 4.10 Exemption

Section 4.09 does not apply where a tenancy agreement makes the occupant liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, and the occupant fails to pay such rates, with the result that the utility supply company discontinues the service. In those circumstances, the occupant is considered to have consented to the disconnection.

#### 4.11 Electrical Systems

- (1) Every owner of a rented dwelling unit shall install and maintain in good working order the electrical wiring, fixtures, switches, and receptacles within those rented dwelling

units and within any accessory buildings provided for the occupants of the rented dwelling units.

- (2) The electrical system in the rented dwelling unit and in accessory buildings provided for the occupants of the rented dwelling unit shall accommodate normal residential use so as to avoid the necessity of creating an unsafe condition because of the use of extension cords or temporary electrical wiring systems.

#### **4.12 Light Fixtures**

- (1) Every owner of a rented dwelling unit shall provide a permanent light fixture in every: bathroom, furnace room, kitchen, kitchenette, cooking space, laundry room, hallway, stairway, corridor, and passage within the dwelling unit and at all outside entry doors to the dwelling unit. If a garage is associated with the rented dwelling unit, then the owner shall also provide a permanent light fixture in that garage.
- (2) Lighting shall provide, with normal use, sufficient illumination so as to avoid unsafe conditions.

#### **4.13 Receptacles for Laundry Facilities**

Every laundry room, or other area in a rented dwelling unit that is to be used for doing laundry, shall have at least one electrical duplex convenience outlet. Each such outlet shall be on a separate circuit.

#### **4.14 Appliances**

Where the owner of a rented dwelling unit supplies the occupant with appliances, those appliances shall be maintained in good working order by the owner.

#### **4.15 Fuel Burning Appliances**

All fuel burning appliances, equipment, and accessories in a rented dwelling unit that are supplied by the owner shall be installed and maintained by the owner to the standards provided by the *Green Energy Act, 2009*.

#### **4.16 Potable Water**

Every owner of a rented dwelling unit must provide an adequate and suitable supply of potable water to at least one tap within the dwelling unit.

### **Part V - Additional Standards for Non-Residential Property**

#### **5.01 Application of Standards**

Standards within Part V apply to all non-residential property, in addition to the standards in Part II of this By-law. Where there is a conflict between standards in Part II of this By-law and the standards in Part V then, with respect to non-residential property, the standards in Part V prevail.

## **5.02 Exterior Walls**

Every owner of non-residential property shall maintain all marquees, awnings, standpipes, exhaust ducts and similar equipment, attachments, extensions to buildings or structures, together with their supporting members, in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material. Despite this requirement, no application of a weather-coating material is required if the item is constructed of materials inherently resistant to deterioration.

## **5.03 Waste**

Every owner and occupant of a non-residential property shall maintain the buildings on the land so that the interiors of those buildings are kept free from waste that would cause unsafe conditions.

## **5.04 Plumbing**

Every owner of a non-residential property shall maintain:

- (a) all plumbing including: drains, water supply pipes, water closets and other plumbing fixtures, in good working condition, free of leaks and defects; and
- (b) all water pipes, and appurtenances to water pipes, so as to be protected from freezing.

## **5.05 Lighting**

Every owner of a non-residential property shall provide and maintain sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination in all passageways, halls, stairways and outside entries, whenever the building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

## **5.06 Bathroom Facilities**

- (1) Every owner of non-residential property upon which a business is carried on shall provide, maintain, and keep stocked with hygienic supplies, a minimum of one water closet and one washbasin, supplied with an adequate supply of water, which is readily accessible to employees of the business.
- (2) The bathroom facilities required by this section shall be in an enclosed room that has a door capable of being locked so as to provide privacy for the user, and shall be located on the same land.
- (3) Every owner of a non-residential property shall maintain the bathroom facilities required by this section in a neat and clean condition.

## **5.07 Signs**

Every owner of a non-residential property, which contains one or more signs, shall maintain those signs in good repair and in accordance with other by-laws or policies of the Corporation.

Any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, either be removed or repaired by the owner.

## **Part VI - Additional Standards for Vacated Property**

### **6.01 Application of Standards**

Standards within Part VI apply to all vacated properties, in addition to the applicable standards prescribed elsewhere in this By-law. Where there is a conflict between standards elsewhere in this By-law and the standards in Part VI, then, with respect to vacated properties, the standards in Part VI prevail.

### **6.02 Maintenance of Vacated Property**

Every owner of a vacated property shall:

- (a) keep all buildings on the land clear of waste;
- (b) disconnect or have disconnected or discontinued all water, electrical and gas services to the buildings and structures, excepting any that are required for the security and maintenance of the land;
- (c) maintain the buildings and structures on the land to guard against unsafe conditions, risk of fire, accident or other danger;
- (d) keep the windows and doors of the buildings and structures on the land sealed to prevent unauthorized access, including, where applicable, boarding any damaged windows or doors in accordance with section 6.04 of this By-law;
- (e) maintain the entrances to the building, including: porches, stairways, required guards, and the like, in good repair so as to afford safe passage to authorized persons attending the site;
- (f) barricade all openings on any floor or between floors, including: service spaces, chutes, air vents and elevator shafts, in order to prevent accident or injury; and
- (g) maintain the land in accordance with the standards in section 6.03 and, where applicable, section 6.04.

### **6.03 Securing Vacated Property**

Section 6.03 applies to buildings on vacated property, subject to section 6.04. To comply with section 6.03, every owner of a building situated on vacated property shall:

- (a) keep all exterior doors to the building operational, so as to fit tightly within their frames when closed;

- (b) keep all exterior doors to the building locked so as to prevent unauthorized entry;
- (c) keep all windows on the building properly glazed and in good repair;
- (d) keep all windows on the building either permanently sealed or locked so as to prevent unauthorized entry;
- (e) keep all windows, doors, basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the building;
- (f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least 4 metres or by guarding them in some other manner acceptable to an officer; and
- (g) secure all areaways by:
  - (i) filling them with concrete or unshrinkable fill; or
  - (ii) covering the openings to them with metal plates of at least 8 millimetres thick, and securing the metal plates so as to prevent them from shifting.

#### **6.04 Boarding Vacated Property**

- (1) Section 6.04 applies to buildings on vacated property where it is impossible or impractical to comply with subsections 6.03 (a), (b), (c) and (d) with respect to security of some or all of the doors and windows. Section 6.04 applies to the boarding up of any windows that cannot be maintained to the standard required by section 6.03.
- (2) To comply with section 6.04, every owner of a vacated property shall:
  - (a) cover, with a solid piece of plywood, at least 12.7 millimetres thick, all doors, windows or other openings;
  - (b) secure the plywood referenced in paragraph 6.04(a) with screws or coated nails which are at least 10 centimetres long that are installed at intervals of not more than 30 centimetres;
  - (c) fit the plywood required by paragraph 6.04(a) within the frames in a watertight manner; and
  - (d) protect the plywood from the elements with paint or preservatives in a manner so as to minimize detracton from the value of other properties in the immediate vicinity.

## **Part VII - Property Standards Committee**

### **7.01 Property Standards Committee**

The Property Standards Committee previously established under section 15.6 of the *Building Code Act* by the Corporation is continued.

## **Part VIII – Orders**

### **8.01 Authority to Vary Orders**

At any time, the officer who issued an Order, or another officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved and where an Order is so modified, it shall be served as required by the *Building Code Act, 1992* and the modified Order may be appealed within the time prescribed by the said Act, the final date for giving notice of appeal of the modified Order to be indicated therein.

## **Part IX - General Provisions and Repeals**

### **9.01 Effective Date**

This By-law shall take effect on the date of its passage.

### **9.02 Title**

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

### **9.03 Repeals**

Upon passage of this By-law, the following by-law is repealed:

The Corporation of the City of Kenora By-law No. 160-2000

### **9.04 Transitional Rules**

Despite Sections 9.01 and 9.03, after the passage of this By-law, By-law No. 160-2000, as amended, shall continue to apply to any property for which an Order had been previously issued, but only until such time as the work required by that Order has been completed, or any work carried out by the Corporation under that by-law has been concluded.

**9.05 Date By-law Comes into Force**

**By-law read a First and Second Time this 20<sup>th</sup> day of June, 2017**

**By-law read a Third and Final Time this 20<sup>th</sup> day of June, 2017**

**The Corporation of the City of Kenora:-**

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**David S. Canfield, Mayor**

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**Heather Kasprick, City Clerk**