

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW 2024-41

### Building Maintenance By-law

**WHEREAS** Section 15.1(3) of the Building Code Act, S.O. 1992, C.23, as amended, authorizes the council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards;

**AND WHEREAS** Council is authorized to require that a 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 a graded and levelled condition;

**AND WHEREAS** Council has deemed that certain routine administrative and legislative powers are minor in nature, and the delegation of these powers would contribute to the efficient management of the Town while still adhering to the principles of accountability and transparency;

**AND WHEREAS** Council has passed an Administrative Monetary Penalties System By-law to encourage compliance with its by-laws;

**NOW THEREFORE** the Council of the Corporation of the Town of Wasaga Beach enacts as follows:

#### **1 Scope**

- 1.1 This Building Maintenance by-law applies to all lands within the Town of Wasaga Beach.

#### **2 Short Title**

- 2.1 This By-Law may be referred to as the "Building Maintenance By-law"

#### **3 Definitions**

- 3.1 All words used in this by-law shall be interpreted as defined in this by-law. Where definitions are not provided herein, the words shall be defined as provided firstly in the most current editions of the Building Code Act and the Ontario Building Code, and the Ontario Fire Code. Finally, any remaining words shall be defined in the Dictionary in the context of the by-law application.

3.2 In this By-law:

- 3.2.1 **Accessory Structure** means a building or structure, the use or occupancy of which is incidental to the main use or occupancy of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises;
- 3.2.2 **Approved** means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this By-Law; approved by the Chief Building Official under the provisions of the Building Code; approved by the Fire Chief under the provision of the Fire Code; or approved by other authority designated by law to give approval to the matter in question;
- 3.2.3 **AMPS By-law** means the Town's Administrative Monetary Penalties By-law, as may be amended from time to time.
- 3.2.4 **Certificate of Compliance** means a certificate issued by an officer under Section 15.5 (1) of the Building Code Act, when after inspecting a property, the officer is of the opinion that the property is in compliance with the standards established in this by-law.
- 3.2.5 **Derelict Building** means any building that is vacant and has experienced structural failure in whole or in part.
- 3.2.6 **Director** means the General Manager – Development Services, or his/her designate or successor;
- 3.2.7 **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 3.2.8 **Good Repair** means the conditions as provided in Schedule 'A' to this by-law.
- 3.2.9 **Habitable Room** means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor,

closet, stairway, basement or cellar recreation room, storage room, furnace room or other accessory space used for service, maintenance or access within a building;

- 3.2.10 **Multi Unit Residential Building** means a residential building that contains more than three dwelling units;
- 3.2.11 **Occupant** means any person or persons in possession of the property;
- 3.2.12 **Officer** means a Property Standards Officer or Building Inspector appointed by the Town of Wasaga Beach for the purposes of administering and enforcing this By-law and the Ontario Building Code.
- 3.2.13 **Openable Area** means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors;
- 3.2.14 **Owner** means the registered owner(s) of land, but doesn't not include a mortgagee or other non-ownership interests in property.
- 3.2.15 **Person** includes an individual, firm, corporation, association or partnership;
- 3.2.16 **Premises** means that portion of real property which is owned by a specific person, and includes all buildings and structures thereon;
- 3.2.17 **Property Standards Committee** shall mean the Property Standards Committee established pursuant to Section 15.6 of the Building Code Act.
- 3.2.18 **Sewage** means water-carried wastes, together with such ground, surface and storm waters as may be present;
- 3.2.19 **Suite** means a single room or series of rooms of complementary use, operated under a single tenancy, and includes,

- 3.2.19.1 dwelling units;
  - 3.2.19.2 individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and
  - 3.2.19.3 individual stores and individual or complementary rooms for business and personal services occupancies.
- 3.2.20 **Unsafe Building** means a building that is structurally inadequate or faulty for the purpose for which it is used; or in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented
- 3.2.21 **Unsafe Condition** means an unsafe building as defined by the Building Code Act, or any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the premises.

## 4 STANDARDS FOR ALL PROPERTIES

### 4.1 General Maintenance

- 4.1.1 No person shall occupy or use, or permit the occupancy or use, of any property that does not conform to the standards prescribed in this By-Law
- 4.1.2 The owner of any property that does not conform to the standards contained in this by-law shall repair and maintain such property to conform to the standards or shall clear the site of all buildings, structures debris or refuse and leave it in a graded and levelled condition.
- 4.1.3 All buildings, structures and components thereof shall be maintained in Good Repair as described within Schedule 'A' attached to this by-law. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction and repairs shall conform to the Ontario Building Code, Ontario Fire Code or any other relevant legislation, where applicable.

### 4.2 Structural Capacity

- 4.2.1 All buildings and accessory structures, or any part thereof shall be

maintained in Good Repair as defined within Schedule 'A' to this by-law and in a structurally sound condition so as:

- 4.2.1.1 to be capable of sustaining its own weight and any load to which normally it might be subject to;
  - 4.2.1.2 to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - 4.2.1.3 to be capable of adequately performing its intended function; and
  - 4.2.1.4 to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration.
- 4.2.2 An inspection report prepared, stamped and signed by an engineer qualified in the pertinent field and licenced in the Province of Ontario, shall be submitted for approval when the structural capacity of any part of a building or accessory structure, in the opinion of the Building Inspector, is in doubt.
- 4.3 Pest Prevention**
- 4.3.1 All buildings and accessory structures on premises shall be kept free of garbage and refuse. Openings and holes in a building shall be screened or sealed as appropriate to prevent the entry of pests, such as rodents, vermin, termites and injurious insects.
- 4.4 Foundations**
- 4.4.1 Every foundation forming a part of a building or an accessory structure shall be maintained in Good Repair so as to prevent:
- 4.4.1.1 settlement detrimental to the structural integrity and appearance of the building;
  - 4.4.1.2 the entrance of moisture.
- 4.5 Exterior Walls, Columns and Beams**
- 4.5.1 All exterior walls, columns and beams and the components thereof shall be maintained in Good Repair.
- 4.6 Exterior Doors, Windows And Other Openings**
- 4.6.1 Shutters, doors, hatchways and all other exterior openings in a building or an accessory structure including their frames, glass panels, door

handles, locking mechanisms and other hardware shall be kept in Good Repair.

#### **4.7 Stairs, Verandas, Porches, Decks, Loading Docks and Balconies**

4.7.1 Every interior or exterior stair, veranda, porch, deck, loading dock, balcony and every appurtenance attached thereto shall be maintained in Good Repair, and free from unsafe conditions. They shall be free of holes, cracks and other defects, which may constitute unsafe conditions. All treads, risers and walking surfaces must be uniform and any which show excessive wear or are broken, warped or loose and all supporting structural members, which are rotted or deteriorated shall be repaired or replaced.

#### **4.8 Roofs and Roof Structures**

4.8.1 The roof of a building or accessory structure, roof top patios and guards, and eaves troughs and gutters shall be kept in Good Repair so as to prevent leakage of water into the building and to be free from loose or unsecured objects or materials and free from excessive or dangerous accumulations of snow, ice or both.

4.8.2 Chimneys, smoke or vent stacks and other roof structures shall be maintained in Good Repair.

#### **4.9 Handrails and Guards**

4.9.1 Handrails and guards shall be provided in accordance with the Ontario Building Code and shall be maintained in Good Repair.

#### **4.10 Exterior Maintenance**

4.10.1 All exterior surfaces shall be maintained in Good Repair. Those surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.

#### **4.11 Water**

4.11.1 Every building intended to be occupied by persons shall be provided with a safe and adequate supply of potable running water from the

municipal water supply system or from a private source approved by (the ministry of the environment).

4.11.2 Every kitchen sink, lavatory, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.

4.11.3 Adequate running water shall be supplied to every water closet.

#### 4.12 **Electrical Systems**

4.12.1 All electrical fixtures, switches, receptacles, and connections thereto shall be maintained in safe and complete condition and in Good Repair.

#### 4.13 **Ventilation**

4.13.1 All heating, ventilation and mechanical systems of a building shall be provided, maintained and operated free from safety hazards and kept in Good Repair.

4.13.2 Except as provided for in subsection 4.13.3 every habitable room shall have an opening or openings for natural ventilation to the exterior and such opening or openings shall have a minimum aggregate unobstructed area of 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) and shall be located in the exterior walls or through openable parts of skylights.

4.13.3 An opening for natural ventilation may be omitted from a room if mechanical ventilation is provided, which is capable of changing the air at least once each hour.

4.13.4 Except as provided for in subsection 4.13.5, every bathroom or washroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 0.1 m<sup>2</sup> (1.1 ft<sup>2</sup>).

4.13.5 An opening for natural ventilation may be omitted from a bathroom or washroom where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the dwelling.

4.13.6 All systems of mechanical ventilation or air conditioning shall be

maintained in Good Repair.

- 4.13.7 Every basement and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall be in accordance with the Building Code.

#### 4.14 Heating System

- 4.14.1 A heating system shall be maintained in Good Repair so as to be capable of heating a dwelling or building safely to the required standard.
- 4.14.2 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.
- 4.14.3 Rigid connection shall be kept between all heating equipment, including cooking equipment, burning any fuel and a chimney or flue.
- 4.14.4 Rigid connections shall be kept between all heating equipment, including cooking equipment burning gaseous fuel, and the supply line, except that an approved flexible connection, not more than 600 mm (23 5/8 in) long, may be installed to permit cleaning behind a stove used for cooking.
- 4.14.5 A space which contains a heating unit shall have natural or mechanical means of supplying sufficient combustion air.
- 4.14.6 Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or approved receptacle for storage of the fuel shall be provided and maintained in a convenient location at least 1.5 m (4 ft 11 in) from the furnace and properly constructed so as to be free from fire or accident hazards.
- 4.14.7 Equipment burning fuel shall be properly vented to a duct leading to an adequate chimney or a vent flue approved for that purpose.
- 4.14.8 Every chimney, flue pipe and flue shall be maintained so as to prevent gases from leaking into the dwelling. Abandoned flues and chimneys shall be either removed or maintained in a safe condition, including being adequately capped.



- 4.14.9 All flues shall be kept clear of obstructions; all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 4.14.10 Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use the temperature of any combustible material adjacent thereto, insulated there from, or in contact therewith, does not exceed a temperature of 71°C.
- 4.14.11 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to an approved chimney and shall be installed in accordance with the regulations set out in the Building Code and applicable standards.
- 4.14.12 All heating equipment shall be installed to conform to the Building Code and applicable standards.

#### **4.15 Plumbing**

- 4.15.1 All plumbing, drainpipes, water pipes, plumbing fixtures and every connection to a sewage system shall be maintained in Good Repair free from leaks and defects, protected from freezing and kept in a clean and sanitary condition.

#### **4.16 Washroom Facilities**

- 4.16.1 All buildings provided with potable water shall contain plumbing fixtures as set out in the Building Code.
- 4.16.2 The washroom shall be accessible from within the building and adequately enclosed to provide privacy.

#### **4.17 Lighting**

- 4.17.1 Adequate lighting fixtures shall be installed and maintained in accordance with the requirements of the Ontario Building Code.
- 4.17.2 Exterior Lighting fixtures and the connections thereto shall be maintained in Good Repair.

- 4.17.3 A barrier or deflector shall be provided to prevent lighting from shining directly into an adjacent dwelling unit.

#### **4.18 Sewage Discharge and Drainage**

- 4.18.1 Sewage shall be discharged into a sewage system whether into a municipal sewer system or private septic system installed as per the requirements of the Ontario Building Code.
- 4.18.2 No roof drainage or stormwater shall be discharged in such a manner that it will penetrate or damage a building or structure and shall be contained within the property it originated.

#### **4.19 Vacant or Derelict Buildings**

- 4.19.1 For the purpose of maintenance of vacant buildings, all provisions within this By-law which regulate interior conditions of a building shall not apply. All provisions within this By-law which regulate exterior conditions and structural integrity shall apply with the exception of when the building's exterior openings are boarded in accordance with this By-law.
- 4.19.2 Notwithstanding all other provisions of this By-law, the additional sections below shall apply to all vacant buildings.
- 4.19.3 If any building is unoccupied, the owner or agent shall protect every such building against the risk of fire, accident or other such hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
- 4.19.4 If the normal locking of and other security measures for a building do not prevent entry, the owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls. The exterior of vacant or derelict buildings shall be maintained in accordance with the maintenance standard of this by-law. Any efforts to secure the building from entrance shall be installed on the interior of the building and shall not be visible from the outside.
- 4.19.5 If a building remains vacant for more than ninety (90) days, the owner or

their agent thereof, shall ensure that all utilities serving the building are properly disconnected and provide proof of discontinuation of services or shall otherwise secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

- 4.19.6 If a vacant building becomes derelict as defined in this by-law, the owner or their agent shall bring the building into compliance with all structural and exterior maintenance provisions of this By-law or such building shall be demolished in accordance with the Building Code Act.

## **5 RESIDENTIAL BUILDINGS**

### **5.1 Dwelling Units**

- 5.1.1 In addition to the requirements as described in Section 4 of this by-law the following provisions also apply to dwelling units.

### **5.2 Duties of Owners and Occupants**

- 5.2.1 In addition to the Standards for the maintenance and occupancy of Property as set out in this By-law, the Owner of a Residential Property shall also comply with Standards for Dwelling Units in this section.

- 5.2.2 Every Occupant of a Dwelling Unit, or in that part of the Dwelling Unit that he or she occupies or controls shall:

- 5.2.2.1 limit the number of Occupants thereof to the maximum number permitted under the Ontario Building Code;
- 5.2.2.2 keep all Exits unobstructed; and
- 5.2.2.3 cooperate with the landlord in complying with the requirements of this By-law.

### **5.3 Bathroom and Washroom Facilities, Kitchens**

- 5.3.1 If providing appliances, fixtures or pieces of equipment, such items shall be constructed and maintained so that same will function safely and effectively, and be in Good Repair.

- 5.3.2 Dwelling units shall be provided with at least a toilet, wash basin, a kitchen sink, and a bathtub or shower.

- 5.3.3 Occupants of more than one suite may share a toilet, wash basin, bathtub or shower provided not more than eight persons occupy the dwellings and access to the fixtures can be gained without going through rooms of another dwelling unit or outside the dwelling.
- 5.3.4 Every self-contained dwelling unit shall contain a kitchen equipped with a sink serviced with hot and cold water, storage facilities, and space for a stove and refrigerator.
- 5.3.5 Every kitchen sink shall have proper drainage or as per the Ontario Building Code.
- 5.3.6 All bathroom and washrooms shall be fully enclosed so as to provide privacy for the occupant.
- 5.3.7 Every kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation as per the requirements of the Ontario Building Code and Section 4.13 of this by-law.

#### **5.4 Doors, Windows**

- 5.4.1 Doors and windows shall be maintained in Good Repair.
- 5.4.2 Doors leading to the exterior of the Dwelling Unit shall be capable of being locked or otherwise secured from inside the Dwelling Unit.
- 5.4.3 Windows designed to be opened shall be fitted with screens so as to prevent the entrance of vermin, rodents, insects, and other pests.

#### **5.5 Floors, Interior Walls and Ceilings**

- 5.5.1 Floors, floor coverings, interior walls and ceilings shall be maintained in Good Repair.

#### **5.6 Water Temperature Control**

- 5.6.1 The maximum temperature of hot water supplied to plumbing fixtures in

a Dwelling Unit shall not exceed 60 Degrees Celsius.

## **5.7 Heating Temperature Control**

5.7.1 Dwelling Units shall be provided a heating system capable of maintaining a room temperature as set out in the Residential Tenancies Act in all habitable rooms within 1.5 metres of the floor within the winter months.

## **5.8 ADDITIONAL STANDARDS FOR MULTI UNIT RESIDENTIAL PROPERTIES**

5.8.1 In addition to the provisions of Sections 4 and 5.1, the following provisions apply to multi-unit residential properties and buildings:

### **5.8.2 Ancillary Rooms**

5.8.2.1 All provided laundry, recreation, and other ancillary rooms and the facilities, amenities and associated equipment for the rooms shall be kept clean and maintained in Good Repair.

5.8.2.2 All sinks provided shall be connected to hot and cold water and properly connected to the drainage system;

5.8.2.3 All laundry rooms shall have a trapped floor drain connected to the drainage system;

5.8.2.4 Recreational amenities, facilities rooms, play areas and swimming pools shall be maintained in Good Repair.

### **5.8.3 Garbage**

5.8.3.1 Every floor of a multi unit residential building having a common access corridor to individual apartments, shall be equipped with a garbage or refuse room accessible to all tenancies on the floor.

- 5.8.3.2 Every multi residential building exceeding two stories in height shall have a garbage chute connecting the aforesaid rooms to a common room, or to an approved container at grade. In the alternative to the foregoing, a compacting or garbage grinding disposal unit shall be installed in each tenancy and an approved central storage and disposal facility provided; the aforementioned facilities shall be designed, installed and maintained in a manner required by the Building Code.
- 5.8.3.3 In the event that strict application of Sections 5.10.1 and 5.10.2 above are not practical, the Officer may accept alternative measures provided that the resultant standard is generally equivalent to the standard herein required;
- 5.8.3.4 External containers and receptacles described in Section 5.10.2 shall be screened for view and shall be provided with covers so that the material contained therein need not be exposed to view or to insects or other pests. Such covers shall at all times prevent the aforesaid exposure, except when the receptacles are actually being filled or emptied;
- 5.8.3.5 Garbage chutes, disposal rooms, containers and receptacles shall be washed down and disinfected as necessary to as to maintain a clean and odour free condition.

#### **5.8.4 Security**

- 5.8.4.1 Doors which allow access to or egress from a residence unit shall be equipped with a lock that:
  - 5.8.4.1.1 is a positive locking dead lock of a type that cannot be accidentally locked against entry by the closing of the door;
  - 5.8.4.1.2 does not contravene Building Code;
  - 5.8.4.1.3 is maintained in Good Repair and in an operative condition.
- 5.8.4.2 Exterior security locking and release and voice communication systems, when provided, shall be maintained in Good Repair and operative condition, and in compliance with the requirements of the Building Code.

### **6 Property Standards Committee**

- 6.1 The Property Standards Committee shall hear appeals pursuant to section 15.3 of the Building Code Act, 1992, as amended, or as substituted from time to time.

- 6.2 The Property Standards Committee shall follow the Council adopted Terms of Reference for the Town of Wasaga Beach Property Standards Committee.

## **7 Interpretation**

- 7.1 Where a provision of this By-law conflicts with a provision of any other By-law of the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- 7.2 If a section of this By-law is rendered null and void, it does not affect the active By-law.
- 7.3 The invalidity of any section, paragraph, portion of a paragraph, clause or portion of a clause of this By-law is not intended to and shall not affect the validity of any other provision of this By-law.

## **8 Delegation**

- 8.1 The Director is authorized to make minor housekeeping amendments to this by-law that does not alter the meaning or intent in any way.

## **9 Certificate of Compliance**

- 9.1 At the request of an owner, a Certificate of Compliance may be issued by an officer. The request is to be accompanied by the required fee as specified in the Town of Wasaga Beach rates and fees by-law.

## **10 Enforcement**

- 10.1 Town Council of the Town of Wasaga Beach may appoint officers and such other staff to carry out the administration and enforcement of this by-law.

## **11 Penalties**

- 11.1 Every owner who fails to comply with an order issued under the Building Code Act that is final and binding is subject to the Administrative Monetary Penalties System - AMPS By-law.

## **12 Repeal By-Laws**

- 12.1 That By-Law #99-35 is hereby repealed.

## **13 Enactment**

- 13.1 This By-Law shall come into force and effect upon passing.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
DAY OF 13<sup>th</sup> DAY OF JUNE, 2024.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Nicole Rubli, Director, Legislative Services & Clerk



### Schedule 'A'

In this by-law in *Good Repair* includes but is not limited to buildings and building components that are:

- free from unsafe conditions;
- in a clean, odour free and sanitary condition;
- free from rubbish, debris and the accumulation of materials;
- properly and securely anchored;
- protected against deterioration and decay by the periodic application of a weather resistance material;
- free of vermin, pests and injurious insects;
- kept clear from mould or any condition that may cause mould or other types of decay;
- weather tight;
- water tight;
- draft free;
- free from conditions causing or contributing to leaks;
- free from conditions that are detrimental to the appearance of the building;
- free from defects, accident hazards and are capable of supporting all loads the structural members may be subject to;
- free from missing or broken mortar, bricks;
- free from loose or unsecured objects or materials;
- free from holes, cracks, loose broken, torn damaged or decayed materials;
- free from depressions, protrusions, deterioration or other defects which could create an unsafe condition;
- properly operational;
- capable of adequately performing its intended function.