

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 28-2009

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**A by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington and to repeal by-laws 73-1999, 110-1999, 110-2006 and 119-2007
File: 190-01**

WHEREAS under subsection 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions; and

WHEREAS the Council of The Corporation of the City of Burlington is desirous of passing a bylaw under subsection 15.1(3) of the *Building Code Act*; and

WHEREAS subsection 15.6(1) of the *Building Code Act* requires that a bylaw passed under subsection 15.1(3) of the *Building Code Act* shall provide for the establishment of a Property Standards Committee; and

WHEREAS subsection 447.2(1) of the *Municipal Act, 2001*, S.O.. 2001, c. 25, (the “Municipal Act”) provides that where a police force has notified the City that premises contained a marijuana grow operation, the City shall ensure that an inspection of the lands and building is conducted within a reasonable period of time after the notification and that appropriate actions are taken in order to make the building safe and to protect the public; and

WHEREAS subsection 11 of the *Municipal Act* provides that Council may pass by-laws in respect of the health, safety and well-being of persons; and

WHEREAS The Council of the Corporation of the City of Burlington deems it desirous, to include minimum standards for maintenance and preservation of heritage attributes of properties designated under subsections 35.3 and 45.1 of the *Ontario Heritage Act and*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

PART 1

1.1 SHORT TITLE

This Bylaw may be referred to as the “Property Standards Bylaw.”

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1.2 DEFINITIONS

In this bylaw,

“**accessory building**” means a detached building or structure not used for human habitation, the use of which is naturally or customarily incidental and subordinate to, or exclusively devoted to a principal use, building or structure and located on the same lot therewith and shall also mean and include a play structure, a detached private garage or detached carport but which does not include patios or decks associated with a dwelling.

“**apartment building**” means a building containing more than two dwelling units;

“**balcony**” means an external balustraded platform and includes both upper and lower surfaces of the platform;

“**boarded building**” means a vacant, a partially vacant building, or an abandoned building or structure in which some or all of the windows, doors or other openings have been covered for by affixing wood or metal over them so as to prevent the entrance of elements or unauthorized persons;

“**certificate of compliance**” means a written opinion of property compliance with the standards contained in this bylaw issued under Section 15.5 (1) of the *Building Code Act* 1992, S.O. 1992, c.23, as amended.

“**city**” means The Corporation of the City of Burlington in the Regional Municipality of Halton;

“**compost**” means a mixture of decaying organic matter used or intended to be used as fertilizer;

“**Council**” means the Council of The Corporation of the City of Burlington;

“**demolish**” means the doing of anything to effect the removal of a building or structure or part thereof;

“**dwelling unit**” means one or more habitable rooms designed, occupied or intended to be occupied as living quarters;

“**fence**” means any structure, except a structural part of a building, used wholly or partially to screen from view, to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land, and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, or other combination of fencing components which form a continuous barrier for the same purposes;

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“**Fire Code**” means the regulations made under section 12 of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended;

“**debris**” includes, but is not limited to:

- i.) garbage, litter, refuse, rubbish, trash, ashes, effluent, rubble, discarded, worthless or worn-out building materials or components, paper, cartons and any other things, matter or effluent and fragments or parts thereof.
- ii.) discarded, worthless, worn-out or abandoned items or articles of personal property or fragments or parts thereof;
- iii.) any inoperative motor vehicle or motor vehicles or any motor vehicle parts or components, emanating from or located on lands used or intended to be used for human habitation, unless other use permitted under any other By-law

“**good state of repair**” includes the provision of such facilities and the making of additions or alterations or the taking of other action as may be required to ensure that the property shall conform to the standards established in this By-law.

“**good workman like manner**” includes among other things;

- 1) ensuring that the component repaired can perform its intended function
- 2) finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials

“**graffiti**” means one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City's sign bylaws or a mural which has been authorized by the City;

“**habitable room**” means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the forgoing shall include den, library, sunroom, or recreational room or any combination thereof;

“**hard surface**” means asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder having a minimum over all depth of 15.0 cm. or any other permanent type of surfacing which prevents the raising of dust or loose particles.

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“**health hazard**” means a condition of a premise, a substance, thing, plant or animal other than man, or a solid, liquid, gas or combination or any of them, that has or that is likely to have an adverse effect on the health of any person and includes but is not limited to accumulations of water that is infected with mosquito larva implicated in the transfer of the West Nile Virus

“**Heritage Attribute**” means:

- a) the attribute of the Property, building or structure that contributes to its cultural heritage value or interest that is defined, described, or can be reasonably inferred:
 - i.) in a by-law designating a property passed under section 29 of the *Ontario Heritage Act* R.S.O. 1990, c.o.18 as amended and identified as a heritage attribute, value, reason for designation, or otherwise;
 - ii.) in a Minister’s order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as heritage attribute, value, reason for designation or otherwise;
 - iii.) in a by-law designating a heritage conservation district passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a heritage attribute, value, reason for designation or otherwise; or
 - iv.) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a heritage attribute, value, reason for designation or otherwise.
- b) The elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes might be at risk.

“**Part IV Heritage Property**” means property, including all buildings and structures thereon, that has been designated by the City under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

“**Part V Heritage Property**” means property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under section 41 of the *Ontario Heritage Act*.

“**Heritage Property**” means a building or structure, or part of a building or structure including the lands and premises appurtenant thereto, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore

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or hereafter erected, and includes vacant property, [Part IV Heritage Properties and Part V Heritage Properties.]

“**Heritage Permit:**” means a permit issued by Council under section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a building or structure.

“**hoarding**” means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development

“**marijuana grow operation**” means any property or portion of a property which the Halton Region Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police has identified in writing to the Clerk of the municipality as having contained a marijuana grow operation.

“**nonhabitable space**” means any space in a dwelling or dwelling unit other than a habitable room, and includes a washroom, bathroom, toilet room, laundry, lobby, communication corridor, stairway, closet, boiler room and other space used for service and maintenance of common use, for access to and vertical travel between storeys and a basement or part thereof which does not comply with the standards of occupancy set out in this bylaw;

“**Officer**” means a Property Standards Officer appointed by the City of Burlington for the purpose of administering and enforcing this By-law.

“**Ontario Building Code**” means the regulations made under section 34 of the *Building Code Act*, S.O. 1992, c.23, as amended

“**owner**” means the registered owner of property and includes a lessee, a mortgagee in possession, and any person having care and control over any portion of the property under consideration

“**Ontario Electrical Safety Code**” means the regulations made under the *Electrical Act* 1998 S.O. 1998 c15 Schedule A, as amended.

“**parking garage**” means a building or part thereof used or intended for the storage or parking of motor vehicles, boats, trailers bicycles or other machinery and which contains no facilities for the repair or servicing of vehicles as authorized in accordance with municipal bylaws.

“**pest**” means any mouse, rat, bed bug, flea, wasp, hornet or cockroach, but does not include a domesticated rat or mouse

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“property” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land and properties listed under Part IV or Part V of the *Ontario Heritage Act* R.S.O. 1990, c. O.18, as amended

“Property Standards Committee” is a committee appointed by City Council to consider appeals to orders issued by Property Standards Officers.

“residential property” means a property that is used or designed for use as a dwelling unit;

“sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice.

“standards” means the standards of physical condition and occupancy of property set out in this bylaw.

“swimming pool enclosure” means a fence or wall or combination thereof including any doors or gates surrounding an outdoor swimming pool and restricting access thereto; and

“yard” means any open, uncovered, unoccupied space appurtenant to a building.

1.3. SCOPE

This bylaw shall apply to all property in the City of Burlington save and except property owned by the Corporation of the City of Burlington or the Regional Municipality of Halton.

1.4. STANDARDS

The standards for maintenance and occupancy of property set out in this bylaw are prescribed as the minimum standards within the City of Burlington.

PART 2

BUILDINGS

2.1 STRUCTURAL CAPACITY

Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life.

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2.2 FOUNDATIONS AND FOUNDATION WALLS

The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition and for the purpose that they were designed.

2.3 EXTERIOR WALLS AND ROOFS

2.3.1 Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and the walls themselves.

2.3.2 Exteriors of buildings shall be:

- a) kept weather resistant with the use of caulking and or other appropriate weather resistant material, and
- b) maintained to prevent the entry of pests and birds.

2.3.3 A roof including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building.

2.3.4 All structural components of a roof shall provide adequate support for all design loads, and from a suitable base for the roof covering, and where the roof is subjected to a load for which it may not be adequate the roof shall be cleared of the load to prevent collapse or structural damage.

2.3.5 Exterior walls and their components shall be repaired of vandalism and other damage, and shall be kept free of graffiti.

2.4 EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

2.4.1 The exterior doors, windows and exterior trim of every building or structure or part of a building or structure, shall be maintained in a good state of repair, properly fitted to prevent the entrance of the elements and painted or otherwise treated to provide protection against decay and rust.

2.4.2 The owner shall provide and install a safety device on any window with a movable sash, and on any balcony door, so as to ensure that any child under the age of 12 years will be unable to open such windows or doors to a width greater than four (4) inches (10 centimetres).

2.4.3 The owner of an apartment building shall provide and install in a secure manner, screens on all exterior door and window openings in each apartment unit.

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- 2.4.4 Where windows in exit stairways of buildings greater than three storeys in height extend to less than 42 inches (107 centimetres) above the landing, they shall be protected by a guard not less than 42 inches (107 centimetres) in height, unless designed to meet the loads of guards required by Ontario Building Code.
- 2.4.5 No window referred to in subsection (2.4.2) shall be equipped with a safety device that makes it incapable of being opened by an adult in an emergency without the use of tools.

2.5 EXTERIOR STAIRS AND PORCHES

- 2.5.1 All exterior stairs, stairways, porches, awnings, canopies, fire escapes and other related structures shall be structurally sound, properly painted or otherwise treated, and free of loose and unsecured objects and materials.
- 2.5.2 Where there is a difference in elevation between adjacent levels of 60 centimeters or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.

2.6 BALCONIES

- 2.6.1 Balconies shall be structurally sound and shall not allow the ponding of water. All balconies shall be enclosed by a sound, safe and clean guard which is firmly fastened to the main structure and maintained in good state of repair.
- 2.6.2 All balconies shall be kept clear of accumulations of garbage and debris.
- 2.6.3 All guards shall be sound, rust free, properly treated or painted.

2.7 BOARDED BUILDINGS

- 2.7.1 Notwithstanding subsection 2.4.1, where the exterior doors, windows, trim or other opening of vacant buildings, partially vacant buildings, or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair the City may order the property owner to board up the building or structure as an interim security repair measure so as to prevent the entrance of elements, or unauthorized persons, or the infestation of pests.
- 2.7.2 The boarding as ordered under subsection 2.7.1 shall comply with the following requirements:
- a) All boards used in the boarding shall be installed from the exterior and properly fitted to the size of the opening of the building or structure within the frames in a watertight manner.
 - b) All boards shall be painted or otherwise treated so that the colour

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blends with the exterior of the building.

- c) Doors, windows and other openings of the building or structure shall be securely boarded up with a solid piece of plywood 19 mm thick or metal plate at least 6 millimetres thick.

2.8. CHIMNEYS

2.8.1 Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:

- a) installed and maintained so as to prevent the escape of smoke or gases within the building;
- b) clear of obstructions;
- c) free from open joints;
- d) free from broken and loose masonry;
- e) in a good state of repair, securely anchored and plumb

2.9. GRAFFITI

All property, including but not limited to, buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

2.10. INTERIOR HALLWAYS, STAIRWELLS, AND FLOORS

2.10.1 The interior stairs, stairways, stairwells, hallways, landings and floors of every part of a building or structure shall be in a safe and clean and sanitary condition, shall be properly painted or otherwise treated, and;

- a) excessively worn, broken, warped or loose boards, floors and floor coverings must be replaced or repaired in a good workmanlike manner;
- b) handrails must be securely installed and maintained in a good state of repair;
- c) all interior doors, doorframes and required hardware must be provided and maintained in good condition and properly functioning and closing.

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2.11. MAIL COLLECTION AREAS

All mail collection areas, including mail boxes, where supplied in any building, shall be maintained in a good state of repair.

2.12. LIGHTING

2.12.1 All habitable space shall have artificial lighting to the level required by the Ontario Building Code.

2.12.2 All exterior and interior common areas shall have artificial lighting sufficient so that those areas can be used or passed through safely and this artificial lighting shall be maintained in a good state of repair.

2.12.3 Artificial lighting in interior common areas that meets the level required by the Ontario Building Code is sufficient for the purpose of subsection 2.12.2.

2.13. INTERIOR CEILINGS AND WALLS

2.13.1 The interior ceilings and walls of every building and structure shall be maintained in a safe and sound condition and in a good state of repair.

2.13.2 All paint, or other wall covering, which is stained or deteriorated, shall be repainted and repaired, missing or loose ceiling or wall tiles shall be repaired or replaced.

2.13.3 Repairs made to interior walls and ceilings shall be completed in a good workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

2.14. REFUSE STORAGE ROOMS AND VERTICAL REFUSE SERVICE SPACES MAINTENANCE IN APARTMENT BUILDINGS

All refuse storage rooms, vertical refuse service spaces and refuse containers shall be operable, accessible at reasonable times and maintained in a clean and sanitary condition, free from accumulations of garbage, odours, insects, and other pests

2.15. LAUNDRY ROOMS, STORAGE ROOMS, RECREATION ROOMS AND CHILDREN'S PLAY AREAS IN APARTMENT BUILDING COMMON AREAS

2.15.1 Laundry and recreational equipment contained within apartment buildings shall be maintained in a safe, good state of repair.

2.15.2 All rooms used for storage, laundry or recreational purposes shall be kept clean and free from health, fire and accident hazards.

2.15.3 Every area of a property set aside as a children's play area shall be kept in a clean, safe and operable condition including all equipment placed therein.

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2.16. RESIDENTIAL OCCUPANCY STANDARDS

- 2.16.1 Nonhabitable space shall not be used for human habitation.
- 2.16.2 The maximum number of persons residing in a dwelling unit shall not exceed one person for each nine square metres of habitable room floor area.
- 2.16.3 No portion of a dwelling unit shall be used for human habitation unless, the floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all times:
- 2.16.4 Every habitable room shall have a minimum ceiling height in accordance with the Ontario Building Code.
- 2.16.5 Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Ontario Building Code.
- 2.16.6 Anything employed in providing water or any energy source serving light, heat, refrigeration or cooking facilities in a dwelling unit occupied by a tenant shall not be disconnected, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 2.16.7 Every dwelling unit shall be kept free of infestation by pests.
- 2.16.8 Kitchen Facilities
- a) every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to water.
 - b) The sink shall be connected to an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit.
 - c) Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances.
 - d) Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in a good state of repair and working order.
- 2.16.9 Interior and exterior barrier free access facilities where installed or required by the Ontario Building Code and other applicable legislation, shall be maintained in a good state of repair, operational and suitable and available for use by persons with disabilities.

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- 2.16.10 Every occupant of a dwelling unit shall maintain the dwelling unit and all supplied facilities and equipment therein in a clean and sanitary condition and shall cooperate with the landlord in complying with the requirements of this bylaw.

PART 3

BUILDING SERVICES

3.1 ELEVATING DEVICES

Elevating devices in apartment buildings, including all parts thereof, shall be maintained in a good state of repair in accordance with the *Technical Standards & Safety Act* 2000 S.O. 2000 c.16 as amended, and shall be operational, except for such reasonable period of time as may be required for the purpose of repairing such elevating devices.

3.2 HEATING AND VENTILATING SYSTEMS

3.2.1 The heating system and all associated mechanical equipment shall be operated and maintained in good working order and in accordance with the Ontario Building Code

3.2.2 The following applies to residential rental buildings only.

- a) Heat shall be provided and maintained at least 20 degrees Celsius between the 1st day of September in each year and the 31st day of May of the following year; including recreation rooms and laundry rooms but excluding locker rooms and garages.
- b) Subsection (a) does not apply to a residential rental unit in which the tenant can regulate the temperature as long as the minimum temperature of 20 degrees Celsius can be maintained.
- c) Every residential rental unit shall have heating equipment capable of maintaining the temperature level required by subsection (a).
- d) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

3.2.3 All habitable rooms shall have natural or mechanical means of ventilation in accordance with the Ontario Building Code. All systems of mechanical ventilation shall be maintained in good working order.

3.3 SNOW REMOVAL

The following subsections apply to all residential rental property containing apartments, and all areas of commercial, industrial and institutional property that the general public has

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access to:

- 3.3.1 All ramps and access routes leading to garages shall be kept free from ice and snow.
- 3.3.2 All walkways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times.
- 3.3.3 All exterior parking areas, including laneways, shall be kept free from accumulations of ice and snow at all times.

3.4 ELECTRICAL SYSTEMS

- 3.4.1 All buildings, where required by the Ontario Building Code or the Ontario Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.
- 3.4.2 The capacity of the connection to the building and system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in a good state of repair, so as to prevent fire and accident hazards, and in compliance with the Ontario Electrical Safety Code.

3.5 DRAINAGE AND PLUMBING SYSTEMS

- 3.5.1 Drainage and plumbing systems on the property shall be provided, installed and maintained in a good state of repair and shall be:
 - a) installed in compliance with the requirements of the Ontario Building Code.
 - b) free from leaks, defective or dripping taps and other defects.
- 3.5.2 All eaves troughs and drainpipes shall be maintained in good working order and free from health hazards.
- 3.5.3 Downpipes need not be connected to a storm sewer when arranged to discharge water runoff and shall be at least 0.6 metres from the building or at a distance acceptable to the officer and conveyed in an acceptable flow path away from the property.
- 3.5.4 Eaves troughs, gutters, downpipes and storm sewer connections are not required when the roof is designed to prevent water runoff from causing deterioration to the building or creating a nuisance to persons on or adjacent to the property.

3.6 PARKING GARAGES

3.6.1 Lighting

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- a) Lighting fixtures in all parking garages shall be maintained in a good state of repair.
 - b) Every parking garage shall be illuminated by natural means where available, and adequate number of light fixtures, or the painting of walls, columns and ceilings white in colour, or any combination thereof, as to maintain an average level of illumination of at least fifty (50) lux (4.6 foot candles).
 - c) One (1) measurement of intensity of illumination made at floor level for every nine (9) square metres (96.9 square feet) of floor area shall be used in establishing the average level of illumination.
 - d) The level of illumination at any location on the floor of a parking garage shall not be less than 10 lux (0.90 foot candle).
- 3.6.2 All ventilation systems within parking garages shall be maintained in a good state of repair at all times.
- 3.6.3 **Exits**
- a) All means of egress, including doors, and operating hardware in parking garages shall be maintained in a good state of repair and free from all obstructions.
 - b) All exit signs shall be provided and maintained in a good state of repair in accordance with the requirements of the Ontario Building Code and Ontario Fire Code and shall be unobstructed and readily visible.
- 3.6.4 All floor drains in such garages shall be maintained in a good state of repair and free from obstructions.
- 3.6.5 Every floor, wall, ceiling and stairwell of a parking garage shall be kept clean and free from debris, objects or other conditions that might create a hazard, obstruction or unsightly condition.
- 3.6.6 All parking garages, except for garages associated with a single family dwelling, shall be kept clear of any machinery, vehicles, boats, trailers or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition.

3.7 TOILET AND BATHROOM FACILITIES

- 3.7.1 Every dwelling unit shall contain plumbing fixtures consisting of at least:
- a) a toilet;
 - b) a sink; and

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c) a bathtub or shower

3.7.2 Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.

3.7.3 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.

3.7.4 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.

3.7.5 Where practical a wash basin shall be located in the same room as the toilet.

3.8 SECURITY

3.8.1 Doors which allow access to or egress from a dwelling unit shall be equipped with a lock that:

a) complies with the Ontario Building Code and Ontario Fire Code; and

b) is maintained in a good state of repair and in an operative condition.

3.8.2 Exterior security locking and release, and voice communication systems, when provided, shall be maintained in a good state of repair and operative condition, and in compliance with the requirements of the Ontario Building Code.

3.9 EGRESS

Every means of egress from a dwelling unit, building or structure shall be safe and unobstructed and comply with the Ontario Building Code and Ontario Fire Code.

3.10 HOT AND COLD RUNNING WATER

Every dwelling unit shall be connected to and supplied with hot and cold running water of adequate water pressure and the hot water shall be at least 43 degrees Celsius measured at the tap after the water runs for at least 30 seconds.

PART 4

ENVIRONMENT

4.1 LAND

All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents or health hazard, and more particularly;

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- 4.1.1. Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections.
- 4.1.2 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.

4.2 ACCESSORY BUILDINGS

Accessory buildings shall be kept:

- 4.2.1. protected by paint, preservative or other weather resistant material;
- 4.2.2. in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 4.2.3 in a good state of repair and free of accident hazards

4.3 SWIMMING POOLS

- 4.3.1 All swimming pools, wading pools and artificial ponds, and any accessory or parts thereof shall be maintained in a good state of repair, free from leaks, mechanical or structural disrepair, or any other defects
- 4.3.2 All swimming pools, wading pools and artificial ponds, in apartment building properties and any accessory or parts thereof which are not operated shall be removed, or fitted with a suitable cover so as to prevent, the entrance of elements, and/or the infestation of pests or insects.

4.4 FENCES

4.4.1 All fences shall be erected and maintained so that they are:

- a) structurally sound;
- b) in a condition free of safety hazards and
- c) in a good state of repair

4.4.2 For the purpose of this section, the term “good state of repair” means that:

- a) the fence is completely built, standing in a vertical position, and is securely anchored;
- b) the fence is free of components that are broken, rusted, rotted, or otherwise in disrepair; and

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- c) any stained or painted surfaces of the fence are maintained free of peeling paint or stain.

4.4.3 All fences shall be maintained in accordance with the height restrictions as set out in the City of Burlington's Zoning By-law and other applicable by-laws.

4.5 TREES

Any tree or any parts thereof that is a hazard shall be removed.

4.6 TELEVISION, RADIO ANTENNAE AND SATELLITE DISHES

Television antennae, satellite dishes and other similar structures must be securely anchored and maintained in a safe and good condition.

4.7 REFUSE DISPOSAL

4.7.1 Every apartment building having common access corridors to individual apartments shall be equipped with a garbage or refuse room accessible to all tenants on the floor, and all doors to these rooms shall not be equipped with locking devices. Every residential building exceeding two storeys in height shall have a garbage chute with a self closing door connecting the aforesaid rooms to a common room at or near grade.

4.7.2 In all other apartment buildings, sufficient rooms with containers and receptacles shall be provided to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with the applicable waste collection bylaws.

4.7.3 The facilities required by subsections 4.7.1 and 4.7.2 shall be designed and installed in accordance with the Ontario Building Code.

4.7.4 In the event that strict application of subsections 4.7.1, 4.7.2 and 4.7.3 are not practical, the Property Standards Officer may accept alternative measures, provided that the resultant standard is generally equivalent to the standard herein required, and that such alternative measures are in accordance with all applicable law.

4.7.5 All exterior refuse storage and collection areas, including containers and receptacles, shall be maintained in a safe, clean, sanitary, odour free and tidy condition.

4.8 COMPOST, PET FOOD AND ANIMAL FEED STORAGE

4.8.1 A residential property may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no larger than one meter square (10.76 square feet), no higher than 1.8 meters (6 feet) and are each enclosed on all sides by concrete blocks, a lumber structure, a metal frame or a commercial plastic compost container.

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- 4.8.2 All compost, pet food and animal feed shall be stored and kept on a property in a reasonable manner so as not to allow offensive odours to affect the surrounding neighbourhood or attract rodents, pests, or other animals to the property.

PART 5

GENERAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES

5.1 MINIMUM STANDARDS

- 5.1.1 “In addition to the minimum standards for maintenance and occupancy of property under this by-law, the owner of a Part IV Heritage Property or a Part V Heritage Property shall:
- 5.1.2 Protect, maintain and/or stabilize the property’s Heritage Attributes so as to preserve the existing materials, form and integrity of the Heritage Property and its cultural heritage value; and
- 5.1.3 Maintain the property and the components of the property that hold up, support or protect the Heritage Attributes in a manner that will ensure the preservation of the Heritage Attributes

5.2 REPAIR AND REPLACEMENT OF HERITAGE ATTRIBUTES

- 5.2.1 Where a Heritage Attribute of a Part IV Heritage Property or a Part V Heritage Property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired by reinforcing its materials using recognized conservation methods.
- 5.2.2 Where a Heritage Attribute is too severely deteriorated to repair, and where sufficient physical evidence exists, it shall be replaced with new elements that match the form, material and detailing of the original elements. Where there is insufficient physical evidence, the form, material and detailing of the new elements shall be compatible with the heritage character of the Heritage Property.

5.3 CLEARING AND LEVELLING OF HERITAGE PROPERTIES

No building or structure on a Part IV Heritage Property or a Part V Heritage Property may be altered or cleared, including but not limited to removed, demolished or relocated except where a Heritage Permit has been issued in accordance with the *Ontario Heritage Act*

5.4 VACANT OR DAMAGED DESIGNATED HERITAGE PROPERTIES

- 5.4.1 Where a Part IV Heritage Property or a Part V Heritage Property remains vacant for a period of 90 days or more the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor proper heating

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and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.

- 5.4.2 Where a building on a Part IV Heritage Property or a Part V Heritage Property is vacant, unoccupied or damaged by accident, storm, neglect or other causes or intentional damage, the owner shall protect the building against the risks of fire, storm, neglect, intentional damage or damage by other causes and shall effectively prevent the entrance of all animals or unauthorized persons by closing and securing openings to the building with boarding:
- a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - b) in a manner that minimizes visual impact:
 - i.) on window openings, that is painted a matte black to resemble window glass;
 - ii.) on door openings, that is painted a colour that matches the colour of the original door;
 - iii.) on an opening other than a window or door opening, that is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building; and
 - c) that is fastened securely in a manner that minimizes damage to the Heritage attributes and the historic fabric, and is reversible. Doors, windows and other openings of the building or structure shall be securely boarded up with a solid piece of plywood 19 mm thick or metal plate at least 6 millimetres thick.
- 5.4.3 No window, door or other opening on a Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required by a Property Standards Officer.
- 5.4.4 If there is a conflict between this section and any other provision in this chapter or any other City by-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail to the satisfaction of the Chief Building Official.

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PART 6

MARIJUANA GROW OPERATIONS

- 6.1 No person, owner or occupant shall cause, permit or allow a marijuana grow operation on or in a property within the City of Burlington.
- 6.2 No owner or occupant shall cause, permit or allow an unsafe, dangerous offensive or unwholesome condition to exist on or in a property as the result of a marijuana grow operation.
- 6.3 No owner or occupant shall cause, permit or allow water, rubbish or noxious offensive or unwholesome odours, liquids or materials to collect or accumulate in or around a property as a result of a marijuana grow operation.
- 6.4 Every owner or occupant of a property that contained a marijuana grow operation shall immediately:
- a) Remove all equipment or materials used in the marijuana grow operation;
 - b) Remove and restore any alteration to the property made as a result of the marijuana grow operation;
 - c) Repair any damage to property caused or associated with a marijuana grow operation, including, but not limited to, mould or water damage; and
 - d) Obtain and comply with all inspections, orders, permits and approvals required for the safe and lawful use of the property.
- 6.5 No person shall allow a property or any portion of a property that has been used as marijuana grow operation to be used as a dwelling or for any other purpose which requires occupation of the property by person unless it has been remediated, restored or repaired as required under Section 6.4.

PART 7

ADMINISTRATION AND ENFORCEMENT

7.1 ADMINISTRATION

- 7.1.1 Property Standards Officers as appointed by Council, are hereby assigned the responsibility of administering and enforcing this by-law.

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- 7.1.2 Any Regional Public Health Inspector or Fire Prevention Officer of the municipality is hereby authorized and directed to act as an assistant to the Property Standards Officer from time to time.
- 7.1.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer in the exercise of a power or the performance of a duty under the By-law.

7.2 ENFORCEMENT

- 7.2.1 An officer or any person acting under his or her instructions; may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
- a) whether the property conforms with the standards prescribed in the by-law; or
 - b) whether an Order made under this by-law has been complied with.

7.3 ORDER TO REMEDY

- 7.3.1 An officer who finds that a property does not conform to any of the standards prescribed in the by-law may make an order:
- a) stating the municipal address or the legal description of such property;
 - b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - d) indicating the final date for giving notice of appeal from the Order.
- 7.3.2. The Order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the Order may be posted on the property.

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- a) no person shall obstruct the visibility of an Order and no person shall remove a copy of any Order posted under this by-law unless authorized to do so by an officer.
- b) an Order required by this By-law to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- c) if a notice or Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

7.3.3. An Order may be registered on the property in the Land Registry Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under subsection 7.3.2 and, when the requirements of the Order have been satisfied, the clerk of the municipality shall forthwith register in the Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

7.4 APPEAL

7.4.1 An owner or occupant who has been served with an Order made under subsection 7.3, and who is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending a Notice of Appeal by registered mail and the fee set out in Schedule "B", to the Secretary of the Committee within 14 days after being served the Order.

7.4.2 If an appeal is taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the officer who made the Order, and may,

- a) confirm, modify or rescind the Order to demolish or repair;
- b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law is maintained.

7.5 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

7.5.1 If an Order of an officer under subsection 7.3.1 is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Committee or a Judge, the City may cause the property to be repaired or demolished accordingly.

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- 7.5.2 For the purpose of subsection 7.3.1, employees or agents of the City may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- 7.5.3 Despite subsection 31 (1) of the Act, the City or any person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in reasonable exercise of its powers under subsection 7.3.1
- 7.5.4 The City shall have a lien on the land for the amount spent on the repair or demolition under subsection 7.3.1 and the amount shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

7.6 EMERGENCY ORDER

- 7.6.1 If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or clearing of all buildings, structures or debris from the site and leaving the site in a graded and leveled condition where the cost of doing such work does not exceed \$25,000.00, to be carried out immediately to terminate the danger.
- 7.6.2 The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property.
- 7.6.3 After making an order under subsection 7.6.1, the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the City may, through its employees and agents, at any time enter the property in respect of which the order was made without a warrant.
- 7.6.4 Despite subsection 31 (2) of the Act, the City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection 7.6.3.
- 7.6.5 If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection 7.6.2 as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the City and providing details of the amount expended in taking the measures.

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- 7.6.6 If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection 7.6.5. in accordance with subsection 7.6.2 as soon as practical after the measures have been taken.
- 7.6.7 As soon as practicable after the requirements of subsections 7.6.5 and 7.6.6 have been complied with, the officer shall apply to a judge of the Ontario Court (General Division) for an order confirming the order made under subsection 7.6.1 and the judge shall hold a hearing for that purpose.
- 7.6.8 The judge in disposing of an application under subsection 7.6.7 shall:
- a) confirm, modify or rescind the order; and
 - b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
- 7.6.9 The disposition under subsection 7.6.8 is final.
- 7.6.10 The amount determined by the judge to be recoverable shall be a lien on the land and shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

PART 8

PROPERTY STANDARDS COMMITTEE

- 8.1 A Committee to be known as The Property Standards Committee of the City of Burlington is hereby continued.
- 8.2 The Committee shall consist of 3 ratepayers of the City to be appointed by Council for a term of 4 years to be concurrent with each term of Council. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.
- 8.3 The chair receives \$100.00 per meeting and the other members of the Property Standards Committee each shall receive an honorarium of \$80.00 per meeting for the attendance of a Property Standards Committee meetings for the City of Burlington.
- 8.4 The Committee shall give Notice or direct that Notice be given to all interested parties.

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PART 9

CERTIFICATE OF COMPLIANCE

- 9.1 Every owner may make an application to the Officer for a certificate of compliance by submitting a written request to the Officer.
- 9.2 Following an inspection confirming the standards established in the by-law have been met, the owner shall pay the applicable fee as outlined in Schedule “A”.

PART 10

PENALTY FOR NON-COMPLIANCE

- 10.1 Every person who uses or occupies, or permits the use or occupancy of any property that does not conform to the Standards or Provisions set out in the by-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00 for the first offence and to a fine of not more than \$50,000.00 for a subsequent offence.
- 10.2 A Corporation who uses or occupies, or permits the use or occupancy of any property that does not conform to the Standards or Provisions set out in this by-law is guilty of an offence, and on conviction is liable to the maximum penalty of \$50,000.00 for a first offence and \$100,000.00 for a subsequent offence.
- 10.3 For the purpose of subsections 10.1 and 10.2, an offence is a subsequent offence if there has been a previous conviction under this By-law.
- 10.4 Every person who fails to comply with an order made by an Officer under subsection 10.1 is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections 10.1 and 10.2 is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the time given for complying with the order has expired.
- 10.5 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted on the same property

PART 11

VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this by-law authorized by law,

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be applied and enforced in accordance with its terms to the extent possible according to law.

PART 12

TRANSITIONAL RULES

After the date of passing of this by-law, By-law 73-1999, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the City, have been concluded.

PART 13

REPEAL

By-law numbers 73-1999, 110-1999, 110-2006 and 119-2007 are hereby repealed.

PART 14

EFFECTIVE DATE

This by-law comes into effect on April 14, 2009.

ENACTED and PASSED this 14th day of April, 2009

_____MAYOR
Cam Jackson

_____CITY CLERK
Kim Phillips

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SCHEDULE "A"

CERTIFICATE OF COMPLIANCE	FEE
For each rental unit which has had a Property Standard Notice or Order	\$120.00
For each rental unit which has not had a Property Standard Notice or Order	\$60.00
For each rental unit which has had an Order and charges have been laid	\$250.00
For interior common area(s) which have had a Property Standards Notice or Order	\$120.00
For interior common area(s) which have not had an Order	\$60.00
For interior common area(s) which have had an Order and charges have been laid	\$250.00
For accessory building(s) or other structure(s) which have had a Property Standards Notice or Order	\$120.00
For accessory building(s) or other structure(s) which have not had an Order	\$60.00
For accessory building(s) or other structure(s) which have had an Order and charges have been laid	\$250.00

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SCHEDULE "B"

PROPERTY STANADRDS APPEAL	FEE
Fee to appeal Property Standards order	\$340.00