

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2023-020

**A BY-LAW TO ESTABLISH STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF ALL PROPERTY WITHIN THE TOWN OF AMHERSTBURG**

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c. 23, as amended authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and level condition;

AND WHEREAS the Official Plan for The Corporation of the Town of Amherstburg includes provisions, relating to property conditions as required by Section 15.1(3) of the Building Code Act, S. O. 1992, c. 23, as amended;

AND WHEREAS Section 35.3 of the Ontario Heritage Act, (OHA) R.S.O. 1990, c. 0.18 authorizes municipalities to pass by-laws to include minimum standards for the maintenance of heritage attributes or properties designated by the municipality under Section 29 or by the Minister under Section 34.5 OHA, and require property that has been so designated, that does not comply with the standards, to be repaired and maintained to conform with the standards;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that Council may, by by-law, impose fees for services and activities provided or done by or on behalf of The Corporation of the Town of Amherstburg;

AND WHEREAS Section 425 of the Act authorizes the Town of Amherstburg to pass by-laws providing that a person who contravenes a by-law of the Town of Amherstburg passed under that Act is guilty of an offence;

AND WHEREAS section 426 of the Municipal Act, 2001, S.O.2001 c.25 as amended, states no person shall hinder or obstruct, or attempt to hinder or obstruct, any person how is exercising a power or performing a duty under this act or under a by-law passed under this act 2006, c. 32, Sched A, s. 184

THEREFORE the Council of The Corporation of the Town of Amherstburg enacts as follows;

Section 1 Short Title

1.1 This by-law may be cited as the Property Standards By-law

Section 2 Definitions

2.1 In this by-law

“Acceptable” means:

- (a) Accepted by the Chief Building Official and/or designate of the Corporation with respect to matters under the Building Code; or
- (b) Accepted by the Property Standards Officer with respect to the standards set out in this by-law.

“Accessory Building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.

“Act” means the Building Code Act, S.O. 1992, c. 23, as amended or any successor thereof.

“Apartment Building” means a building containing more than four dwelling units with individual access from an internal corridor system.

“Appliance” means a device to convert fuel to energy and includes all components, controls, wiring and piping required as part of the device by the applicable standard referred to in the Building Code.

“Approved” means acceptance by the Property Standards Officer or Building Inspector.

“Balcony” means an external balustrade platform and includes both upper and lower surfaces of the platform.

“Basement” means any part of a building, which is partially below grade, where the vertical distance from the grade to the floor is equal to or less than the vertical distance from the grade to the ceiling next above.

“Building” means the Regulations made under the section 34 of the Act.

“Building code” means the Regulations made under the section 34 of the Act.

“Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measure from floor to ceiling below the average exterior finished grade.

“Chief Building Official” means the Chief Building Official as appointed under By-law by the Town.

“Clerk” means the Clerk of the Corporation of the Town of Amherstburg as appointed under By-law by the Town.

“Committee” means a Property Standards Committee established under this By-Law in accordance with section 15.6 of the Building Code Act, 1992, as amended, or as substituted from time to time.

“Council” means the Council of the Town.

“Crawlspace” means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance of less than 1.8 metres in height.

“Derelict Building” shall mean:

(a) a building which has been left vacant and/or neglected by the owner for a period of 120 days or more, or

(b) a building damaged by fire, storm or other catastrophic event where, in the opinion of the Officer the building is beyond practical repair

“Dwelling” means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

“Dwelling Unit” means a room or a suite of rooms operated as a house-keeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

“Exit” means that part of a Means of Egress, including doorways, that leads from the Floor Area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.

“Floor area” means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

“First Storey” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 meters (6ft.) above grade.

“Floor Covering” means any surface used to cover the basic floor or sub flooring construction, including but not limited to carpet, vinyl, tile, laminate and hardwood.

“Grade” means:

- i) The average elevation of the crown of that part of the street abutting the front lot line. Where the elevation of a point on a building located on the lot is equal to the grade elevation, that point is deemed to be “at grade”.
- ii) Grade for an accessory building means the average elevation of the finished surface of the ground adjacent to the accessory building.

“Guard” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised

walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.

"Habitable Room" means any room in a Dwelling Unit used or capable of being used for living, sleeping, cooking or eating purposes.

"Heritage Attributes" means; in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and that is defined or described:

- (a) in a by-law designating a property passed under section 29, Part IV, of the *Ontario Heritage Act* and identified as a heritage attribute, reason for designation or otherwise;
- (b) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as a heritage attribute or otherwise;
- (c) 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 or otherwise; or
- (d) in the supporting documentation required for a by-law designating a heritage property or heritage conservation district, including but not limited to a heritage conservation district plan, statement of cultural heritage value or interest, listed heritage property evaluation form, cultural heritage evaluation report, and identified as heritage attributes or otherwise.

"Heritage Property" means real property, and includes all buildings and structures thereon, which:

- (a) has been designated by a municipality under section 29 of the *Ontario Heritage Act*, or which has been designated by the Minister under section 34.5 of the *Ontario Heritage Act*;
- (b) is located in a Heritage Conservation District designated under section 41 of the *Ontario Heritage Act*;

"Maintained" means to carry out any repairs, reconstruction, refinishing or replacement of any part or parts of the structure or building or appurtenances including heating and ventilation equipment required so they may properly perform the intended function.

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

"Mixed-Use Property" means a building or structure used heretofore or hereafter erected in part for a dwelling unit and in part for non-residential purposes.

"Multiple Dwelling" means one (1) dwelling, other than a double duplex dwelling, attached dwelling or townhome dwelling, containing a minimum of three (3) dwelling units.

"Multi-Residential Property" means a building or structure or part of a building of structure is used or designed for use for more than two Dwelling Units and includes any Yard appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, Fences and erections heretofore and hereafter erected.

"Non-Habitable Room" means any room in a Dwelling Unit other than a Habitable Room and includes bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the Dwelling Unit for public use, for access to and vertical travel between stories, and a Basement or part thereof which does not comply with the Standards of fitness for occupancy set out in this By-law.

"Non-Residential Property" means a building or structure or part of a building or structure not containing a legal Dwelling Unit, and includes the Yard appurtenant thereto and all mobile buildings, mobile structures, outbuildings, Fences and erections heretofore and hereafter erected.

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

"Officer" means a Property Standards Officer appointed by the Town for the purposes of administering and enforcing this By-law.

"Ontario Building Code" means Ontario Regulation 350/06, as amended, or as substituted from time to time.

"Ontario Heritage Act" means Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, or as substituted from time to time.

"Order" means a written direction issued pursuant to the Act requiring compliance with the standards prescribed by this By-law, and "orders" shall have a corresponding meaning.

"Owner" means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether in his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the Standards of Maintenance and Occupancy of the property.

“Parking Area” means an area used for parking spaces, bicycle parking spaces and loading spaces and includes all collector aisles and parking aisles capable of being maintained for the parking of five (5) or more operable motor vehicles. An outdoor storage yard is not a parking area.

“Parking Garage/Structure (STORAGE GARAGE)” means a building or part of a building that is intended for the storage or parking of motor vehicles and that contains no provision for the repair or servicing of motor vehicles.

“Person” includes any individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or mortgagee.

“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 property.

“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 the property conforms to the standards established in this bylaw to the satisfaction of the Officer.

“Residential Property” means a building or structure or part of a building or structure that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes the land and premises appurtenant thereto and all mobile buildings or structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected.

“Sewage System” means a sanitary sewer system or a private sewage disposal system approved by the Chief Building Official.

“Safe Condition” means a condition that does not pose or constitute a hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.

“Service Room” means a room provided in a building to contain equipment associated with building services.

“Sewage” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include storm water.

“Standards” means the Standards of physical condition and of occupancy prescribed for Property in this By-law.

“Storey” means that part of a building between any floor and the floor, ceiling or roof next above. Any part of a storey exceeding 4.0 metres in height is deemed to be an additional storey for each 4.0 metres, or fraction thereof, of such excess. A cellar and that part of a building located entirely within a sloping roof and having a ceiling height

greater than 2.0 metres over a floor area less than 50.0 percent of the area of the floor next below, is not a storey.

“Storm Water” means discharge from a surface as a result of rainfall, snow melt and snow fall.

“Suite” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

“Toilet Room” means a room containing a water closet and a wash basin.

“TSSA” means Technical Standards and Safety Act, 2000, S.O. 2000, c. 16

“Unsafe Condition” means any condition that could be hazardous to the health or safety of any person authorized or unauthorized on or about the property.

“User Fee Schedule By-law” means a By-law to establish and require the payment of fees and charges.

“Vacant Building” shall mean a building which is neither used nor occupied by the owner or a tenant under a signed tenancy/lease agreement, for a period of more than 120 days.

“Wiring” means the installation of any wiring in or upon any land building, or premises from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from the points where electric power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment and any part of the wiring aforesaid and shall also include the maintenance, alteration, extension and repair of such wiring.

“Yard” means an open space, which is located on the same lot as a building or other structure, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by the Town's Zoning bylaw.

2.2 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Ontario Building Code.

General Standards for all Property

3. All repairs and maintenance of property shall be carried out with suitable and sufficient materials. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and Fire Prevention and Protection Act, where applicable.

Section 4 Authority

- 4.1 The Town may appoint Officers and such other staff to carry out the administration and enforcement of this By-law.
- 4.2 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention Officer of the Town is hereby authorized and directed to act as an assistant to the Officer from time to time.

Section 5 Property Standards Committee

- 5.1 For the purpose of this by-law, there is hereby established a Property Standards Committee which shall be composed of not fewer than three members, and their appointment shall be for the term of Council.
- 5.2 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.
- 5.3 The members of the Property Standards Committee shall select one of themselves to act as chair, who shall preside at all meetings thereof. In case of the absence of the chair, the Property Standards Committee may appoint another member as acting chair.
- 5.4 A majority of the members of the Property Standards Committee shall constitute a quorum and the Property Standards Committee may adopt its own rules of procedure.
- 5.5 The Property Standards Committee shall appoint a secretary who shall keep on file minutes and records of all applications and the decisions thereon, and all other official business of the Property Standards Committee, and Section 253 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, applies with necessary modifications to such documents.
- 5.6 An owner who appeals an order shall pay the fee as outlined in the Town of Amherstburg's User Fee By-law, as passed and amended by Council, from time to time, at the time the appeal is filed.
- 5.7 Property Standard Committee Appeal Hearings are governed by the Statutory Powers and Procedures Act, R.S.O. 1990, c.S.22, as amended, or as substituted from time to time.
- 5.8 The Council of the Town may appoint members of the Property Standards Committee, to coincide with the term of Council of the Town. When a

vacancy occurs in the membership of the Property Standards Committee, the vacancy shall forthwith be filled.

Section 6 Standards

- 6.1 The standards for the maintenance and occupancy of property is set out in this by-law and appended hereto as "Schedule A", are adopted as the minimum standards for all property within the Town.

Section 7 Permits, and Administration Fees

- 7.1 Where an Order to Repair is issued pursuant to this by-law, a fee will be assessed to the registered owner in accordance with the Town of Amherstburg's User Fee Schedule.

Section 8 Compliance

- 8.1 All owners or occupants of property shall comply with the standards in Schedule "A" set out in this by-law and any Order to Repair that is final and binding.
- 8.2 All owners of property within the municipality that does not conform with the standards contained in this by-law shall repair and maintain such property to conform with the standards or clear the site of all buildings, structures, debris or refuse and leave the property in a graded and leveled condition, except where a demolition permit has been issued and remains in effect.
- 8.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer.
- 8.4 All new construction or repairs shall conform to the Ontario Building Code and any other applicable legislation.
- 8.5 No person shall occupy any property if there are conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

Section 9 Enforcement and Penalty

- 9.1 An owner or occupant who fails to comply with an Order is guilty of an offence under Section 36(1) of the Act, and is liable to a penalty or penalties as set out in Section 36 of the Act.

Section 10 Validity and Severability

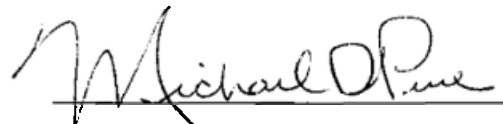
- 10.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Section 11 Repeal and Transition

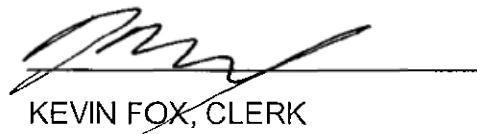
- 11.1 By-law 1999-28 is hereby repealed.

Section 12 Effective Date

- 12.1 This By-law shall come into force and take effect on the day of the final passing thereof.



MICHAEL PRUE, MAYOR



KEVIN FOX, CLERK

First Reading – February 13, 2023

Second Reading – February 13, 2023

Third Reading – February 13, 2023

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Schedule 'A'

Part 1:

Standards for All Properties in the Town of Amherstburg

- 1.1 Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.
- 1.2 Every owner or occupant of a property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and safe condition.
- 1.3 Accumulations or storage of garbage, refuse, appliances or furniture by either the occupant or owner in a means of egress shall not be permitted.
- 1.4 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.
- 1.5 Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of the building or part thereof, the Officer may order that a building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the Officer.
- 1.6 In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended to a depth of 1,070 mm below finish grade, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.
- 1.7 All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects. Appropriate measures shall be taken to remove any stains or other defacement

occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

- 1.8 Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be i) reglazing, or refitting with panes of transparent glass; or ii) the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other material are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building. Replace defective, damaged or missing hardware and locking devices: sash controls.
- 1.9 All stairs, porches, landings, loading docks, balconies, canopies, awnings, fire escapes together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.
- 1.10 A handrail or guard shall be provided and maintained in good repair as follows:
 - (a) At least one side of stairs less than 1100 mm in width,
 - (b) two sides of stairs 1100 mm in width or greater, and
 - (c) two sides of a curved stair used as an exit.
 - (d) Handrails are not required for stairs
 - (i) within dwelling units having not more than 2 risers, or
 - (ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.
 - (e) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit.
 - (f) Except as required in (b) & (c), one handrail may be provided centrally for stairs up to 2.4 m wide.
 - (g) Handrails shall have a maximum uniform height of 920 mm when measured vertically from a line drawn through the outside of the stair nosing and minimum uniform height of 800 mm
- 1.11 A guard shall be installed and maintained in good repair as follows:
 - (a) Except for the edges of the floor pits in repair garages and loading docks, every surface to which access is provided for other than maintenance purposes, including but not limited to exterior lands, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, shall be protected by a guard having a minimum height of 900mm on each side which is not protected by a wall and where there is a difference in elevation to

adjacent surfaces of more than 600 mm. Except that a guard of 710 mm minimum height is acceptable for exterior porches, decks and balconies where the vertical drop from the open side exceeds 600 mm but does not exceed 1 800 mm.

- (b) Every exterior stair with more than 6 risers and every ramp shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 600 mm.
- (c) When an interior stair has more than 2 risers, the side of the stair and the landing or floor level around the stairwell shall be enclosed by walls, or be protected by guards, except that a stair to an unfinished basement in a dwelling unit is permitted to have 1 unprotected side.

1.12 Guard – Openings

Guards for residential occupancies shall have no openings which would permit the passage of a spherical object having a diameter of 100 mm unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard.

Guards – Not to Facilitate Climbing

Guards around exterior balconies, porches and decks of buildings of residential occupancy shall be constructed and maintained not to facilitate climbing.

1.13 Stairs

(a) Stairs – Interior – Single Unit Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed the following unless existing acceptable to the Officer:

- Maximum rise 210mm
- Minimum tread 230mm
- Minimum run 200mm
- If run is less than 240mm, a 25mm nosing is required

(b) Stairs – Residential – Not Within

- Maximum rise 210mm
- Maximum tread 240mm
- Minimum run 212mm
- If run is less than 240mm, a 25mm nosing is required

(c) Stairs – Non-Residential

- Rise minimum 125mm, maximum 200mm
- Minimum run of 230mm, must be uniform
- If run is less than 240mm, a 25mm nosing is required

- Existing winders of not more than 3 in 90 degrees and not more than 1 set between floors are permitted and where each tread is not less than 30 degrees and each tread is not greater than 45

(d) Stairs – Service rooms – curved/spiral

Stairs may exceed the requirements in 1.13 (c) if serving only service rooms, service spaces and other rooms unused in industrial occupancies serving equipment and machinery; or existing curved and spiral stairs in dwelling units acceptable to the officer.

- 1.14 All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panel and supports, and other roof structures shall be maintained in good repair, watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects.
- 1.15 Water runoff from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging directly to grade with an appropriate extension away from the building to prevent flooding, erosion and other nuisance to neighboring properties. Discharge into the municipal storm system may be permitted if approved or authorized by the Director of Engineering or Chief Building Official or his/her designate.
- 1.16 All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order.
- 1.17 Every chimney, prefabricated chimney, smoke pipe, flue and gas vent in use or available for use in a building shall:
 - (a) be of a type listed for the appliance for which it is being used, properly secured, free from fire hazards and unsafe conditions;
 - (b) be maintained so as to prevent the escape of combustion gases into the building;
 - (c) be adequately supported as to maintain proper alignment;
 - (d) be kept clear of obstructions;
 - (e) be sealed at all joints or tightly sealed; and
 - (f) all deteriorated and/or loose masonry shall be repaired.
- 1.18 All fuel burning heating equipment shall:
 - (a) be connected to a chimney or flue, which vents to the exterior of the building;
 - (b) be furnished with an adequate supply of combustion air to ensure proper combustion of the appliance; and

(c) be maintained in a good state of repair and in a safe operating condition.

- 1.19 All water supply cross connection devices specifically designated as "Premise isolation" or other testable devices located on the property shall be tested annually by a licensed tester at the expense of the owner or agent of the owner in accordance with the most recent edition of the CSA STANDARD listed in the Ontario Building Code for selection and installation of backflow preventers, proof of testing shall be provided upon request by the Officer.
- 1.20 All sewage shall be discharged directly into the municipal sewage system where one is available. Where a municipal sewage system is not available, an alternate means of disposal, acceptable to the Officer, shall be used and maintained in good repair. The maintenance of a private sewage system shall include i) septic tanks ii) leaching beds iii) dry wells
- 1.21 A property shall be deemed to be serviced by an available Town sewer system if the sewer system is within 30.0 metres of any said property abutting municipal rights-of-way. In the event a Town sewer system becomes available, the property owner will have (1) year, or such other time period as may be approved by Council by Council Resolution, to connect to the available sewer and decommission the private sewage system per section 1.23. The availability of the sewer will be determined by Director of Engineering and/or his or her designate.
- 1.22 Backwater valves installed on building drains must be maintained to provide an effective barrier to municipal backups.
- 1.23 To decommission, septic tanks, treatment units, leaching beds or dry wells they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.
- 1.24 A vacant building or structure damaged by fire, storm or other causes, shall be repaired to its original condition or demolished within 120 days of the issuance of an Order.
Until the necessary repair or demolition can be, the building or structure shall be supported and barricaded to prevent fire hazards and unsafe conditions.
- 1.25 Every building damaged by fire, storm, until repairs have been completed shall effectively:
 - (a) be protected against the further risk of fire, or unsafe conditions,
 - (b) be secured to prevent the entrance thereto of unauthorized persons, and

- (c) have the exterior building envelope sealed with an appropriate material to protect the interior from rain, snow or other environmental elements that would cause the building to further deteriorate.
- 1.26 All materials used to board vacant buildings damaged by fire, storm, or other causes, shall be tight fitted plywood, composite panels or wood boards painted with an exterior grade paint so that the colour compliments the building's exterior elements and is acceptable to the Officer.
- 1.27 Where a building or structure is demolished:
 - (a) the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and leveled condition;
 - (b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings and foundations shall be removed unless authorized and described on the demolition permit by the Chief Building Official;
 - (c) only clean, inert, native material or granular material approved by the Chief Building Official shall be used as backfill;
 - (d) building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill material;
 - (e) building services such as gas, electrical and water lines, sewer lines, and other such services, shall be properly abandoned per the Director of Engineering's best engineering practice standards and the authority having jurisdiction; and
 - (f) the site shall be properly graded, grass seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain onto adjoining properties.
- 1.28 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be finished with a parge coat of cementitious mortar or otherwise treated with a protective coating to prevent the entry of water into the building and to present a neat and uniform appearance, in the opinion of the Officer, free from the outlines of partitions, stairs, doors, floors, signs and from areas of multi-coloured paint or wallpaper.
- 1.29 All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire hazard or unsafe conditions;
- 1.30 Where commercial, industrial or multi-residential on site garbage containers are visible from a residential property or from a public street, the area where the receptacles are being stored shall be buffered and screened from adjoining or nearby residential properties or public areas so as to minimize the effect of the nuisance.

Without limiting the generality of the foregoing, such buffering and screening shall be acceptable to the Officer, and shall include the provision and maintenance of an effective system to cover, contain, screen and facilitate the collection and removal of waste materials and debris;

1.31 Regarding yard conditions:

- (a) In yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.
- (b) Artificial lighting standards and fixtures shall be kept in a safe condition, in working order and in good visual condition.
- (c) Walkways shall be maintained, resurfaced or re-graded as necessary to ensure a reasonably smooth, slip free and safe surface for pedestrian traffic.

1.32 The storm water run-off from all downspouts, sump pump discharges or impervious surfaces shall be designed and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighboring properties.

1.33 Retaining walls, signs and all structures appurtenant to a property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.

1.34 Existing barriers required for sound attenuation shall be maintained safe, plumb, unless designed otherwise and structurally sound.

1.35 All parking areas shall be:

- (a) entirely paved and maintained with a hard surface consisting of concrete, asphalt, paving brick or block or similar material acceptable to the Chief Building Official that is free from excessive cracks, pot holes, and delaminating;
- (b) provided with an internal drainage system satisfactory to the Officer, which discharges into the municipal storm system as approved by the Director of Engineering's Office;
- (c) provided with a minimum 150mm in height curbs or curb stops secured to minimize the risk of vehicles damaging fences, lamp standards and other structures, and to restrict access to untraveled portions of Town rights-of-way;
- (d) provided with sufficient lighting in such a way as to deflect away from nearby properties;
- (e) provided with visible markings and islands, to indicate parking spaces, ingress and egress routes.

1.36 Fire detection systems, fire alarm systems, standpipe and sprinkler systems, as required, shall be maintained in working condition and records for the routine

testing and maintenance of these systems shall be readily available for the Officer's review upon demand.

- 1.37 The integrity of all fire separations and associated smoke seals and fire stopping systems shall be maintained.
- 1.38 Elevators, hoists, lifts, moving walkways and escalators shall be maintained in working order and in accordance with the requirements of the TSS Act, 2000, S.O., 2000, c 16 as amended from time to time, and any regulations made there under. Including lighting fixtures, elevator buttons, floor indicators and ventilation fans. Routine testing and maintenance records of these systems shall be readily available for the Officer's review upon demand. Repair of inoperable elevators shall be done as expeditiously as possible.
- 1.39 Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if facilities are readily accessible to occupants. Refuse chute systems, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and repair.
- 1.40 Parking garages and parking structures shall be:
 - (a) maintained in a clean, structurally sound, free from defects and safe condition;
 - (b) adequately ventilated at all times to provide (3.8L/s/m^2) of floor area minimum if ventilated by mechanical means unless the system is 22 A-18 controlled by a Carbon Monoxide detection system;
 - (c) the ventilation systems referenced in sentence (b) shall be maintained in proper working order, free from defects;
 - (d) where the officer has doubts to the effectiveness of the ventilation and/or carbon monoxide detection system, can at the owners expense order testing to confirm compliance with sentence (b);
 - (e) adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux at floor level over the entire floor area with a minimum level of 11 lux at any location on the floor; and
 - (f) equipped with wire screens or other suitable means of protection for lighting fixtures, so as to prevent accidental or malicious damage.
 - (g) shall be provided with an effective fire separation and barrier to the passage of gas and exhaust fumes from any part of the parking garage into any other part of the building used or intended to be used for human occupancy.
- 1.41 All existing barrier-free requirements shall be maintained in existing buildings required to be barrier-free.

- 1.42 The following types of classes of buildings and structures shall be upgraded to provide barrier free access at the principal entrance to the following buildings:
- (a) medical and dental facilities with more than one (1) doctor;
 - (b) places of public assembly occupancy including schools, colleges, universities and places of instruction/training;
 - (c) banks and other financial institutions;
 - (d) restaurants with more than 60 seats;
 - (e) rest homes and lodging homes; and
 - (f) commercial occupancies including retail stores and offices, but limited to those that are more than three storey's in height or more than six hundred square meters in floor area.
- 1.43 Barrier free requirements shall not be required to exceed the standards contained in the Ontario Building Code.
- 1.44 A requirement of Section 1.42 and 1.43 shall be deemed to be complied with if, in the opinion of the Officer, the building will provide accessibility to persons with disabilities, taking into consideration physical limitations in the design of the building that may make some upgrading impractical.
- 1.45 Every multiple dwelling property owner, and every occupant in that part of a property that he or she controls, shall maintain the property free from rodents, vermin, termites, injurious insects and other pests, and from conditions which might encourage infestation by such pests. Methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.
- 1.46 Means of egress(s);
- (a) Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level.
 - (b) Except as provided in sentence (c), every dwelling, containing dwelling units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level.
 - (c) A second means of egress shall not be required from any dwelling unit²³ A-19 having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level.
 - (d) A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.
- 1.47 All equipment, components and supplies or replacement equipment, components and supplies must be Canadian Standards Association approved or otherwise

listed in a manner consistent with the Ontario Building Code as amended or other authority having jurisdiction.

- 1.49 Buildings identified by police services as illegal marijuana grow operations will require the following:
- (a) **Mould Air Quality Report**- at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer
 - (b) **Structural Report** - where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may require compliance with section 1.5 of this By-law.
 - (c) **Electrical Report** - where an Officer has reason to believe the building electrical system may pose an unsafe condition, may require at the owners expense the submission of an Electrical Safety Authority Clearance Certificate to the Officer.

Part 2:

Supplementary Standards for Non-Residential Properties

- 2.1 Every owner or occupant of a property shall maintain the property or part thereof they occupy or control as follows:
- (a) in a clean, sanitary and safe condition, free from litter, garbage and debris, including such litter and garbage as may be left by customers or other members of the general public, and shall provide containers for the disposal of such litter or garbage; and
 - (b) free from objects or conditions which create fire hazard or unsafe conditions.
- 2.2 All non-residential properties shall be adequately ventilated by natural or mechanical means on a continuous basis, in a safe and working order and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety as described in the current edition of the American National Standards Institute/American Society of Heating, Refrigerating and Air Conditioning Engineers. (ASHRAE) Standard 62.1.

- 2.3 In all parts of a non-residential building, a minimum level of illumination of 50 lux shall be provided and maintained which will adequately protect all persons within the building from unsafe conditions.
- 2.4 All non-residential buildings, or parts thereof, normally heated, shall be provided with a heating system maintained in a safe and working order, free from unsafe conditions or fire hazards and capable of supplying sufficient heat to maintain a minimum indoor temperature of 18° C during hours of occupancy.
- 2.5 Boiler space heating shall be provided with backflow prevention and annually tested in compliance with the most current CAN/CSA Standard "Manual for the Selection and Installation of Backflow Prevention Devices" listed in the Ontario Building Code. Test reports shall be provided to a Property Standards Officer upon request.
- 2.6 Plumbing systems, fixtures and appliances in all non-residential buildings shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects.
- 2.7 Where food is cooked processed or prepared for the public, all plumbing fixtures located in the wash-down area shall discharge through a grease interceptor which is maintained in accordance with the most current edition of CAN/CSA Standard "Maintenance of Grease Interceptors" listed in the Ontario Building Code.
- 2.8 Where floor drains are located in a service station, repair shop, garage or any establishment where motor vehicles are repaired, lubricated or maintained they shall discharge through an oil interceptor.
- 2.9 In a building used in part for residential purposes, and in part for non-residential purposes, wherein noxious fumes, or gases are, or could be, present, all separations between the non-residential portion and the residential portion shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, or gases through the separation.

Part 3

Supplementary Standards for Residential Properties in the Town of Amherstburg

- 3.1 Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

- 3.2.1 Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and mildew, and loose material.
- 3.2.2 Water penetration related to mould- Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed. Mould Air Quality Report- If in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide, at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer.
- 3.3 Floors and finished flooring (including carpeting) shall be maintained in a structurally sound condition and be free from visible mould and mildew, holes, cracks or other defects which may cause an unsafe condition or trip hazard.
- 3.4 Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of being opened from the inside without the use of specialized tools and maintained in good repair. All materials referred to in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection.
- 3.5 Every dwelling and every dwelling unit shall be provided with a heating system maintained in a good state of repair and in safe operating condition capable of maintaining "adequate and suitable heat" specified in the Town of Amherstburg's Vital Services By-law. Room temperature shall be determined at any point in the room, for the purposes of this by-law "adequate and suitable" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 22 C. All common areas or internal entrance ways in a multiple dwelling shall be provided with heating systems capable of maintaining a minimum temperature of not less than 18 C.
- 3.6 Heating systems, including stoves, heating appliances, fireplaces, chimneys, fans, pumps and filtration equipment shall be maintained in a good state of repair and in a safely operable condition.
- 3.7 No dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

- 3.8 Only heating equipment approved for use by a recognized standard testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 3.9 Every parking/storage garage serving a residential use shall be provided with a fire separation (if required) and an effective barrier to the passage of gas and exhaust fumes from any part of the parking/storage garage into any other part of a dwelling unit or multiple dwelling used or intended to be used for human occupancy inclusive of doors between a parking garage and remainder of the building.
- 3.10 Unless specifically exempted under other governmental regulations, every dwelling and dwelling unit shall be provided with at least a water closet (toilet), a wash basin, a bath tub or shower, and a kitchen sink, all of which shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects. The water closet, wash basin, bath tub and/or shower shall be located within, and be accessible from within, the dwelling or dwelling unit and shall be located and equipped to afford privacy, secured from the inside and can be opened from outside the room in an emergency.
- 3.11 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.
- 3.12 Hot water at a temperature of at least 43 °C, and cold running water shall be provided in a capacity that will produce a flow in the fixture that will flush the fixture and keep it in a sanitary condition.
- 3.13 All plumbing, including drains, water supply pipes inside a building and outside a building, water closets, back water valves, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.14 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use and intended use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:

- (a) In compliance with the respective requirements of the Electrical Safety Code and Building Code;
- (b) In good working order and good repair; and
- (c) In a safe condition.

3.15 Voice Communication section

In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.

- 3.16 Adequate artificial light shall be available at all times, in all habitable rooms, common areas, means of egress, exits and corridors.
- 3.17 Every habitable room in a dwelling, except a kitchen, shall maintain an outside window or windows which shall be maintained in good repair, and which shall have a total light transmitting area of not less than five per cent (5%) of the floor area of the room for bedrooms, and not less than ten per cent (10%) of the floor area for all other habitable rooms.
- 3.18 Every habitable room in a dwelling shall contain windows that are capable of being opened from the inside or vents providing a minimum unobstructed ventilation area to the outdoors of 0.14 square metres per occupant for sleeping areas, and a minimum of 0.28 square metres per occupant for all other habitable rooms. Every bathroom or water closet room shall contain windows capable of being opened from the inside, or vents, providing a minimum unobstructed ventilation area to the outdoors of 0.09 square metres; and every unfinished28 A-23 basement or cellar area shall contain said windows or vents providing a minimum unobstructed ventilation area to the outdoors equal to 0.2 per cent (0.2%) of the floor area.
- 3.19 In lieu of the natural ventilation required by section 3.18, acceptable mechanical ventilation directly to the exterior shall be permissible. The system shall be capable of providing at least one (1) air change per hour for the room being served.
- 3.20 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a safety mechanism that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter sphere. Such safety devices shall offer protection to the height of at least 1.07 m above the floor but shall not prevent the windows from being fully opened by an adult without the use of tools during an emergency.
- 3.21 In dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated, and where a system of mechanical ventilation is used it shall be maintained in good working condition.

- 3.22 The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres of habitable room floor area.
- 3.23 A room used for sleeping purposes shall have a minimum floor area of 6 square metres and shall not be occupied by more than 1 person for each 4 square metres of floor area thereof.
- 3.24 In a house,
- (a) Minimum room height shall not be less than 1950mm over the required floor area and in any location that would normally be used as a means of egress, or
 - (b) Minimum room height shall not be less than 2010mm over at least 50% for the required floor area, provided that the floor having a clear height of less than 1400mm shall not be considered in computing the required floor area.
- 3.25 No basement or cellar or portion thereof shall be used as a dwelling unit or habitable rooms of a dwelling unit, unless it meets the following requirements:
- (a) Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - (b) provided that one-half of the total area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.
 - (c) The minimum required unobstructed ventilation area to the outdoors shall not be limited to the requirements of Section 3.17, if, in the opinion of the Officer, the location of windows that are capable of being opened or vents, providing such ventilation, is such as to create a poorly and inadequately ventilated room.
 - (d) Except where a door on the same level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with:
 - i. At least one window that can be opened from the inside without the use of tools and,
 - ii. At least one window shall, in every bedroom, provide an unobstructed open portion having a minimum area of .35 m² with no dimension less than 380 mm.
 - (e) Each habitable room shall be separated from service rooms by a suitable fire separation in compliance with Ontario Building Code Regulations.
- 3.26 Every dwelling unit shall be equipped with an approved smoke alarm(s) conforming to the current edition of the OBC regulations that shall be:

- (a) installed on every floor level in proximity of bedrooms and in conformance with the manufacturers' instructions or recommendations for installation;
 - (b) clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;
 - (c) either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and
 - (d) continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.
- 3.27 Every dwelling unit that has fuel burning appliances, solid fuel burning appliances, or is attached to a storage garage, shall be equipped with a carbon monoxide detector conforming with the most current edition of CAN/CSA and US UL Standard as listed in the current Ontario Building Code regulations and shall be:
- (a) installed in conformance with Sentence (c) where a solid fuel-fired combustion appliance exists;
 - (b) installed on or near the ceiling in each room in which there is installed a solid fuel-burning appliance;
 - (c) permanently connected to an electrical circuit, and
 - i. shall have no disconnect switch between the over-current device and the carbon monoxide detector where practical;
 - ii. be wired so that its activation will activate all carbon monoxide detectors within the suite, where located within a suite of residential occupancy,
 - iii. be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and,
 - (d) plug-in types of detectors plugged into a duplex receptacle near the floor level are acceptable in locations where there may be a hardship complying with (a) (b) and (c) outlined above.

Part 4:

ADDITIONAL REQUIREMENTS FOR VACANT BUILDINGS

4.1 General

- 4.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a *vacant building*, shall:

- (a) ensure that all utilities serving the building, which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining property.
- (b) Ensure that the property is kept free of rodents, vermin and other harmful pests and any conditions that would allow such pests to harbour in or about the building.

4.2 Additional Requirements for Vacant Non Residential Buildings

- 4.2.1 The owner of every non residential vacant building shall keep the property free of conditions that promote the infestation of birds.

4.3 Additional Requirements for Vacant Residential Buildings

- 4.3.1 Despite any other provision of this bylaw, where in the opinion of the Officer a vacant residential property can be repaired, the building shall be repaired:
 - (a) As soon as is possible in a manner consistent with other parts of this by-law: and,
 - (b) Maintained in a manner so as not to become, in the opinion of the Officer, a public nuisance.

4.4 Clearing and Leveling of Vacant Residential Buildings

- 4.4.1 Despite any other provision of this bylaw an Officer may issue an order directing the owner to demolish a derelict or vacant residential building.

4.5 Clearing and Leveling of Vacant Non-Residential Buildings

- 4.5.1 Despite any other provision of this bylaw an Officer may issue an order directing the owner to demolish a derelict or vacant non-residential building.

Part 5:

Supplementary Standards for Heritage Properties in the Town of Amherstburg

5.1 General

- 5.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a property designated under Part IV or Part V of the *Ontario Heritage Act*, herein referred to as a Heritage Property shall:

- (a) Maintain all of the Heritage Attributes on the property;

- (b) Preserve and protect the Heritage Attributes so as to preserve the properties cultural heritage value or interest;

5.2 Alteration, Erection, and Demolition

- 5.2.1 No owner of property designated under Part IV Section 29 of the *Ontario Heritage Act* shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes by-law, unless the owner obtains a permit from the municipality to do so.
- 5.2.2 No owner of property situated in a Heritage Conservation District shall do any of the following, unless the owner obtains a permit from the municipality to do so:
 - (a) Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
 - (b) Erect any building or structure on the property or permit the erection of such a building or structure.
 - (c) Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the Heritage Conservation District.
- 5.2.3 Despite subsection 5.2.2 of this by-law, the owner of a property situated in a designated Heritage Conservation District may, without obtaining a permit from the municipality, carry out such minor alterations or classes of alterations as are described in the Heritage Conservation District plan to any part of the property in respect of which a permit would otherwise be required.

5.2 Repair and Replacement of Heritage Attributes

- 5.2.1 Despite any other provision of this bylaw, where a Heritage Attribute of a Heritage Property can be repaired, the Heritage Attribute shall be repaired:
 - (a) In such a manner that minimizes damage to the heritage cultural value or interest and maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
 - (b) Using the same types of material as the original and in keeping with the design, colour, texture, grain or other distinctive features of the original; and,
 - (c) Where the same types of materials as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or

other distinctive features and appearance of the original material may be used if approved by Council or where applicable their designate.

5.2.2 Despite any other provision in this bylaw, where a Heritage Attribute of a Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:

- (a) In such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the heritage attribute, using the same types of materials as the original; and,
- (b) Where the same of materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original materials may be used.

5.3 Vacant Heritage Properties

5.3.1 This section applies only to vacant buildings or structures on a Heritage Property.

5.3.2 Notwithstanding Part 4 of this bylaw:

- (a) Where a 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 in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes.
- (b) The owner of a vacant Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage, moisture penetration, damage from the elements, unauthorized persons or the infestation of pests.
- (c) The owner of a vacant Heritage Property shall minimize the potential of deterioration of a building, where the exterior doors, windows or other openings are missing, broken, improperly fitted, unsecure or in disrepair, the property shall be boarded in compliance with the following requirements
 - i. all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
 - ii. all boards shall be fastened securely in a manner that minimizes damage to the heritage attributes;
 - iii. all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.