

**The Corporation of The Town of Ajax**  
**By-Law Number 46-2017**

A By-law to prescribe maintenance and occupancy standards for property

**Whereas** the Building Code Act 1992 S.O. 1992, c. 23, as amended, authorizes Council to pass a By-law prescribing standards of maintenance and occupancy of property within the municipality;

**And Whereas** the Ontario Heritage Act R.S.O. 1990. c.O. 18 authorizes Council to pass a By-law prescribing minimum standards for the maintenance of heritage attributes of designated property or properties situated in a heritage conservation district;

**And Whereas** the Council of The Corporation of the Town of Ajax deems it expedient to pass a By-law for prescribing standards for the maintenance and occupancy of property within the Municipality and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property below the standards prescribed in the By-law to be repaired and maintained to comply with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

**And Whereas** the Council of The Corporation of the Town of Ajax deems it expedient to pass a By-law prescribing the maintenance standards of heritage properties;

**Now Therefore**, The Council of the Corporation of the Town of Ajax enacts as follows:

**1. Short Title**

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

**2. Definitions**

2.1 In this By-law:

- a) "accessory building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property;
- b) "appliance" means a stove, refrigerator, freezer, clothes washer, clothes dryer, dishwasher, portable air conditioning unit, or hot water tank;
- c) "approved" means approved by the Property Standards Officer;
- d) "debris" includes refuse, rubbish, garbage or material of any kind, including, but not limited to: inoperative mechanical equipment, automotive parts, mechanical parts, disused furniture, earth or rock fill, yard waste, old or decayed lumber, material from demolition projects, broken or damaged items, or anything that is no longer capable of performing its original function;
- e) "domestic storage" means the storage of usable material on residential property, including, but not limited to: firewood, new building material, and garden equipment, but does not include any item of debris or any inoperable vehicle;
- f) "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;
- g) "dwelling unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons which contains at least cooking and sanitary facilities;

- h) “expense” means the cost of carrying out the work to be done by the Order, pursuant to section 7.6, including the cost of hiring the services of a security company and/or Police Services (if required), and an administration charge as outlined in the Town of Ajax Fee By-law;
- i) “front yard” means the portion of the yard as defined by the Town’s Zoning By-law;
- j) “good state of repair” is a descriptive term that means that an item is capable of performing its originally designed function and all associated parts, members and components are:
  - i. present and in working order,
  - ii. not missing, broken, or rusted,
  - iii. structurally sound, level and plumb, and
  - iv. free from deterioration and damage;
- k) “graffiti” means one or more letters, symbols, or marks, including but not limited to: gang symbols, howsoever made, that disfigure or deface a property or object, but does not include a sign, pursuant to the Town’s Sign By-law, or a mural;
- l) “ground cover” means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass or other equivalent landscaping;
- m) “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;
- n) “habitable room” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes;
- o) “heritage attribute” means, in relation to a property, and to the buildings on the property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined, identified or described;
  - i. in a By-law designating the property a Part IV heritage property as a heritage attribute, reason for designation or otherwise;
  - ii. in a Minister’s order made under section 34.5 Part IV of the Ontario Heritage Act as a heritage attribute or otherwise;
  - iii. in a By-law designating a heritage conservation district passed under section 41, Part V of the Ontario Heritage Act as a heritage attribute 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 as heritage attributes or otherwise.
- p) “heritage permit” means an authorization or permit issued by the Municipality as per Section 33(1) or 42(1) of the Ontario Heritage Act that provides permission to alter or demolish a designated heritage property;
- q) “inoperable vehicle” means any vehicle, including a trailer, that appears by reason of its appearance, mechanical condition, or lack of valid licence plates, to be inoperative. A vehicle is an inoperable vehicle if it bears licence plates that are not registered as being attached to that vehicle

and/or the licence plate registration is not current and up to date, in accordance with the records of the Ministry of Transportation; (Amended by By-law 63-2022)

- r) "Municipality" means The Corporation of The Town of Ajax;
- s) "occupant" means any person or persons over the age of eighteen years in possession of the property;
- t) "Ontario Heritage Act" means the Ontario Heritage Act, R.S.O. 1990, Chapter O.18
- u) "Order" means a Property Standards Order served pursuant to the Building Code Act and this By-law;
- v) "owner" includes:
  - i. the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and,
  - ii. a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;
- w) "Part IV heritage property" means property, including all buildings and structures thereon, which has been designated by the Town of Ajax 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;
- x) "Part V heritage property" means property, including all buildings and structures thereon, located within a heritage conservation district, which has been designated by the Town of Ajax under section 41 of the Ontario Heritage Act;
- y) "person" means an individual, firm, corporation, association or partnership;
- z) "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, a Part IV heritage property and a Part V heritage property;
- aa) "Property Standards Committee" means a committee as approved by Council for the purpose of hearing appeals to any Property Standards Order that may be issued by a Property Standards Officer
- bb) "Property Standards Officer" means an Officer appointed by the Municipality and who is responsible for the administration and enforcement of this By-law;
- cc) "rear yard" means the portion of the yard as defined by the Town's Zoning By-law;
- dd) "repair" includes the provision of such facilities, the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law;
- ee) "side yard" means the portion of the yard as defined by the Town's Zoning By-law;
- ff) "structure" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or

any other structure;

- gg) "unsightly" means not pleasant to look at and includes a condition that is out of character with the surrounding environment; and
- hh) "yard" means the land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

### **3. General**

#### **Application**

- 3.1 This By-law applies to all property within the Municipality, except property owned by or managed by the Town, by lease, agreement or otherwise.

#### **Standards of Occupancy**

- 3.2 No person shall use or occupy or permit the use or the occupancy of any property that does not conform to the standards set out in this By-law.
- 3.3 No person being an owner or occupant of a Part IV heritage property or a Part V heritage property shall fail to maintain the property, including its heritage attributes, in a good state of repair, in conformity with the standards of this By-law
- 3.4 The owner of any property, which does not conform to the standards of this By-law, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition provided that no building or structure or historical attribute on a Part IV heritage property or a Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act and a heritage permit.

#### **Repair**

- 3.5 All repairs and maintenance of property shall be carried out:
- a) with suitable and sufficient materials;
  - b) by tradespersons duly qualified by applicable legislation or governing body, in the trade concerned;
  - c) in compliance with all relevant legislation;
  - d) with the benefit of relevant permits and approvals including, but not limited to, building permits, and heritage permits;
  - e) in a manner accepted as good workmanship in the trades concerned,
  - f) in conformity to the Ontario Building Code, where applicable; and
- 3.6 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or any other authority having jurisdiction to make such restrictions or regulations.
- 3.7 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

#### **Standards for Heritage Properties**

- 3.8 In addition to the standards, obligations and requirements that apply to all properties, all heritage attributes of Part IV heritage properties and Part V heritage properties, including both interior and exterior heritage attributes, shall be:

- a) maintained so as to prevent deterioration: and
- b) repaired of any damage.

3.9 Subject to any applicable provisions of the Ontario Heritage Act;

- a) where section 3.8 can be complied with by means of repair, notwithstanding any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes impact to the heritage attribute;
- b) Where section 3.8 cannot be complied with by means of repair, notwithstanding any other provision to the contrary, the heritage attribute shall be replaced with material of comparable nature to the original material and in keeping with the design, color, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, color, texture and any other distinctive feature of the original material.

#### **4. Standards for Property**

- 4.1 All vacant lots, every yard, and all property, shall be kept clean and free from objects or conditions that might create a fire, health or accident hazard.
- 4.2 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris, garbage or other objects that create an unsafe or unsightly condition, out of character with the surrounding environment, shall be removed.
- 4.3 No wrecked, dismantled, discarded, unused, inoperable vehicles, machinery or objects or parts thereof shall be placed, stored or left on property, but this does not apply where such articles are required and used for business purposes permitted under the Municipality's land use By-laws.
- 4.4 The warehousing or storage of materials or operative equipment that is required for the continuing operation of the industrial or commercial aspect of a property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles.
- 4.5 All property, in the vicinity of developed residential property, shall be landscaped with ground cover appropriate to the neighbouring area.
- 4.6 All landscaped areas and ground cover, with the exception of grass and/or weeds, shall be maintained in a reasonable condition.
- 4.7 All yards and property, including vacant lots, shall be kept free of grass and/or weeds in excess of 15 cm in height.
- 4.8 One compost heap shall be permitted, provided that it is no larger than one and one-half cubic meters in size, is enclosed on all sides and is maintained in a neat and odour free condition.
- 4.9 No owner shall permit or allow stagnant water to exist or occur in any location on a property at any time.

#### **Domestic Storage**

- 4.10 Domestic storage is not permitted in the front yard.
- 4.11 Domestic storage may be stored in a rear and/or side yard, provided that such storage:
  - a) does not exceed 30% of the yard area of the cumulative total of the side and rear yards;
  - b) is neat;

- c) is for personal use; and
- d) is no greater than 2 m (metres) in height.

### **Pest Prevention**

- 4.12 All buildings, and the exterior portions of buildings, shall be kept free of pest infestation such as rodents, vermin, birds, termites and insects at all times.
- 4.13 The interior of dwellings and common areas, in buildings containing multiple dwelling units, shall be kept free of all pests such as rodents, vermin, birds, termites and insects.
- 4.14 All damage to buildings caused by rodents, vermin, birds, termites and/or insects shall be repaired.

### **Trees**

- 4.15 All trees on a property shall be maintained in a manner that will eliminate a condition which is a source of danger to people or constitutes a potential health, fire or safety hazard.
- 4.16 Where the dangerous condition, health, fire or safety hazard cannot be eliminated by maintenance practices, the tree and all resulting debris shall be removed.
- 4.17 Dead or decayed trees, hedges, bushes or similar natural growth, in developed areas, shall be removed.

### **Swimming Pools**

- 4.18 All swimming pools, wading pools, hot tubs and ornamental ponds and any appurtenances thereto shall be maintained in a good state of repair, free from leaks, and free from health and safety hazards. Any swimming pool, wading pool, hot tub or ornamental pond that does not meet this standard shall be drained and removed. All resulting depressions in the ground shall be filled with clean fill and the property left in a graded and levelled condition.
- 4.19 All swimming pools, wading pools, hot tubs and ornamental ponds shall be kept clean of stagnant water and any such areas that are unkept or unused shall be drained of all water found therein.
- 4.20 No owner shall permit or allow water draining from swimming pools, hot tubs, wading pools or ornamental ponds to drain or migrate onto adjacent property.

### **Fences**

- 4.21 Fences and gates and their hardware, comprising a swimming pool enclosure, shall be maintained in a good state of repair and in accordance with the Municipality's Fence By-law.
- 4.22 All fences, gates and hardware shall be maintained free of hazards, in a state of good repair, and in accordance with the Municipality's Fence By-law.

### **Development Conditions**

- 4.23 Whenever landscaping, hedges, trees, fences, curbs, walkways, parking areas, retaining walls, noise barriers, or other features have been required or regulated by the Municipality, through a plan of subdivision, plan of condominium or site plan agreement, as a condition of development or redevelopment, such features shall be maintained, without alteration, in a good state of repair, by the owner, so as to ensure continuous compliance with the Municipality's requirements.
- 4.24 Interior and exterior barrier-free access facilities for persons with disabilities where installed or required by the Ontario Building Code or as a condition of

development or redevelopment shall be maintained in a good state of repair, operational, suitable and available for use by persons with disabilities.

### **Surface Conditions and Drainage**

- 4.25 Any part of a yard that is low lying or has been excavated so that it accumulates water, shall be drained, filled and graded so that water drains to a storm sewer or ditch. Swimming pools, ornamental pools and agricultural ponds shall not be included in this requirement.
- 4.26 Yards shall be maintained so as to prevent the entrance of water into a basement.
- 4.27 All areas used for vehicular traffic and/or parking shall have a surface covering of asphalt, concrete, interlocking brick, compacted stone or gravel.
- 4.28 Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections. Where speed bumps or speed humps have been installed, they shall be distinctively marked so as to be clearly visible to approaching pedestrian and vehicular traffic.
- 4.29 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.
- 4.30 All yards and every vacant lot shall be kept free from deep ruts and holes.
- 4.31 Air conditioner condensation discharge shall not drain upon any sidewalk or pathway.
- 4.32 The owner of property containing a catchbasin shall keep the grates of the catchbasin clear of debris or other material that is directly impeding water from entering into it.
- 4.33 Rain water downspouts and eavestroughs shall not directly discharge water onto any sidewalks, any stairs and must be directly discharged on to the owner's property.

### **Wells**

- 4.34 Unused and abandoned wells shall be decommissioned.
- 4.35 Wells shall be affixed with a tight fitting lid that is of sufficient strength to prevent the accidental entry of any person.

### **Construction Hoarding**

- 4.36 All hoarding shall be maintained in a structurally secure manner, in a good state of repair, neatly painted or otherwise treated and kept free of graffiti, signs and posters, unless such signs and posters are authorized by the Municipality.

### **Snow Removal**

- 4.37 The following subsections apply to all private property containing multiple occupancy residential buildings, and all areas of commercial, industrial and institutional property that the general public has access to:
  - a) all ramps and access routes leading to garages shall be kept free from ice and snow;
  - b) mechanical de-icing equipment for ramps and access routes, where provided, shall be maintained in a usable condition;
  - c) all walkways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times;
  - d) all exterior parking areas and roadways, including laneways, shall be kept

free from accumulations of ice and snow at all times; and

- e) snow and ice that has been cleared from the above areas shall not be stored in a location that blocks accessible parking spaces, fire routes, or creates a hazard or sightline obstruction for pedestrians or motorists.

### **Safe Passage**

- 4.38 Exterior steps, walks, verandas, porches, decks, balconies, driveways, parking areas, loading docks and similar areas of a yard shall be maintained so as to:
  - a) afford safe passage under normal use;
  - b) be adequately lighted; and
  - c) be free of defects and accident hazards.
- 4.39 Where there is a difference in elevation between adjacent levels of 600 millimetres or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.

### **Sewage And Waste Water**

- 4.40 Where a sanitary sewer is installed on a street or road, all sewage shall be discharged into the sanitary sewer.
- 4.41 Where a sanitary sewer has not been installed on a street or road, all sewage shall be discharged into an approved private sewage system.
- 4.42 A private sewage system shall be maintained in a good state of repair, free from leaks, and in an odor free condition.
- 4.43 Any hatch to a private sewage system or holding tank shall be tight fitting, securely affixed, free from hazard, and constructed of sufficient strength to prevent the accidental entry of any person.
- 4.44 No sump pump shall be discharged directly onto neighbouring property.

### **Garbage Disposal**

- 4.45 Garbage, refuse and ashes shall be promptly stored in receptacles and made available for removal in accordance with the Municipal collection policies or any regulating authority and/or any By-law regulating curbside waste collection.
- 4.46 Every building, dwelling and dwelling unit shall be provided with sufficient receptacles to contain all garbage, refuse and ashes that accumulate on the property. The receptacles shall be maintained in a good state of repair.
- 4.47 Garbage containers or receptacles shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition. Tight fitting lids shall be affixed to each garbage receptacle.
- 4.48 All exterior garbage storage areas, including containers or receptacles, shall be screened from public view and the screening shall be maintained in a good state of repair.
- 4.49 Any abandoned or inoperable appliance, equipment or machinery shall not be left in a common area unless it is awaiting removal. An appliance that is awaiting removal shall have all its doors removed.

### **Accessory Buildings, Structures, Signs, Fences and Retaining Walls**

- 4.50 Accessory buildings, signs, fences, retaining walls and all other structures appurtenant to a property shall be structurally sound, maintained in a good state of repair, free of hazards and protected by paint or other weather resistant material so as not to present an unsightly appearance.

## 5. Standards for Buildings

### Structural Adequacy

- 5.1 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.
- 5.2 Every building or structure or appurtenant part shall be maintained in a good state of repair, free of hazards, and protected by paint or other weather resistant material so as not to present an unsightly condition.

### Unoccupied Buildings

- 5.3 Where any building is unoccupied, the owner shall protect every such building against the risk of fire, accident or other danger by effectively preventing the entrance to it of all unauthorized persons.
- 5.4 Unoccupied buildings shall be boarded up and maintained securely by the owner, by covering all openings through which entry may be obtained with 12.7 millimetre plywood or material of equivalent quality approved by the Property Standards Officer. The owner shall ensure that the property is monitored and any damage to the boarding promptly repaired.
  - a) Notwithstanding Section 5.3 and 5.4, 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 described in Section 5.3 and shall effectively prevent the entrance of all unauthorised persons by closing and securing openings to the building with boarding;
    - i. which completely covers the opening and is properly fitted in a watertight manner within the side jams, the head jam and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by boarding;
    - ii. on the window openings, which is painted a matte black to resemble window glass;
    - iii. on door openings, which is painted a colour that matches the colour of the original door;
    - iv. on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building; and
    - v. which is fastened securely with screws at least 50 mm in length and installed at appropriate intervals on centre.
  - b) No window, door or opening shall be closed or secured in accordance with Section 5.4 (a) with brick, concrete, concrete blocking, or any other masonry units and mortar, except where required by a Property Standards Officer under section 5.4 (c).
  - c) Subject to any applicable provisions of the Ontario Heritage Act, where the minimum standards imposed by Section 5.4 a) has, more than once, failed to exclude unauthorized entry, and further where the owner's control, attendance or lack of security measures to protect the Part IV heritage property or Part V heritage property suggest that a more secure option be used, then the owner shall supply such measures, including such improved security or closure, as may be required by the Property Standards Officer.

- 5.5 Where a building remains vacant for a period of more than ninety days, the owner shall ensure that all utilities servicing the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- a) Notwithstanding Section 5.5, where a building on a Part IV heritage property or a Part V heritage property remains vacant or unoccupied for a period of more than ninety (90) days, the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuation in temperature and humidity.
- 5.6 Despite Section 5.4, the owner of any property, which is designated residential in a Zoning By-law, on which is situated a building or part thereof that is boarded up for a period exceeding 24 months, shall ready the building for occupancy in accordance with the standards of this by-law or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.
- 5.7 Section 5.5 does not apply where such utilities are necessary for the safety or security of the building.

### **Fire or Other Disaster**

- 5.8 In the event of fire or other disaster, measures shall be taken as soon as possible to restore the damaged building or structure so it complies with the standards of this By-law.
- 5.9 In the event the building or structure is beyond repair, and is not located on a Part IV heritage property or a Part V heritage property, the land shall be cleared of all building or structure remains, debris and refuse and left in a graded, levelled and tidy condition.
- 5.10 In the event the building or structure is beyond repair and is located on a Part IV heritage property or a Part V heritage property, no action should be taken to alter, clear, remove, demolish or relocate such building or structure, except in accordance with the Ontario Heritage Act and a heritage permit.

### **Foundations and Foundation Walls**

- 5.11 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 so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary.

### **Exterior Walls**

- 5.12 The exterior walls of every building or structure or part of a building or structure must be structurally sound, maintained in a good state of repair, weatherproof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.
- 5.13 All brick and stonework, wall facings and similar decorative features shall be maintained in a good state of repair and safe condition with proper anchorage.
- 5.14 The exterior wall of every building and structure shall be properly painted or otherwise treated, and kept free from unsightly marks, painted slogans and similar markings or defacements.
- 5.15 The cladding on the exterior walls of all buildings or structures shall consist of masonry stucco, wood, finished plywood, metal or other similar materials that are of equivalent strength, durability and fire resistance.

5.16 Exterior surfaces which have been previously covered with paint or other similar protective materials shall be maintained in good repair and the coverings renewed or replaced when it becomes damaged or deteriorated.

### **Roof**

5.17 The roof of every building or structure shall be:

- a) in a good state of repair;
- b) free of leaks;
- c) free of missing or curled shingles or cladding materials;
- d) structurally sound;
- e) weatherproof;
- f) free of loose or unsecured objects and materials; and
- g) free of excessive accumulations of ice and snow.

5.18 Improperly secured objects and materials on, or appurtenant to, the roof shall be either removed, repaired or replaced.

5.19 The roof of every building or structure shall be of a consistent material and be of appropriate cladding such as: shingles, asphalt, metal or a similar approved material that does not present an unsightly appearance.

5.20 All roof flashing, gutters, valleys, eavestroughs and downpipes shall be secured, free of rust, in serviceable condition, and in a good state of repair.

5.21 All soffit and fascia components of a building shall be secured and maintained in a good state of repair and properly painted or otherwise treated.

### **Chimneys**

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

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

### **Exterior Doors, Windows and Exterior Trim**

5.23 The exterior doors, windows, exterior trim, and all associated components, 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.

5.24 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 a child of tender years will be unable to open such windows or doors to a width greater than 10 centimetres.

5.25 The owner shall provide and install in a secure manner, screens on all exterior door and window openings in each rental dwelling unit.

- 5.26 Where windows in exit stairways of buildings greater than three storeys in height extend to less than 107 centimetres above the landing, they shall be protected by a guard not less than 107 centimetres in height.
- 5.27 No window referred to in Section 5.24 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.
- 5.28 Solid core doors shall be provided for all entrances to dwellings and dwelling units.

### **Balconies, Porches, Decks, Awnings, Canopies and Fire Escapes**

- 5.29 Balconies, porches, decks, awnings, canopies and fire escapes shall be structurally sound, hazard free and in a good state of repair.
- 5.30 Balconies shall be structurally sound and shall not allow the ponding of water. All balconies shall be enclosed by a sound, safe and clean railing which is firmly fastened to the main structure.
- 5.31 All balconies shall be kept clear of accumulations of unsightly material or storage.
- 5.32 All balconies, porches, decks and fire escapes shall be kept free of material, items or storage that would impede the exit of a person during an emergency.
- 5.33 All balconies shall be kept free of all items, materials and storage that would permit climbing by a child of tender years.
- 5.34 All metal railings shall be sound, rust free and properly treated or painted.

### **Unfinished Buildings or Structures**

- 5.35 All buildings or structures, or parts thereof that are partially constructed, shall be completed and finished in an approved, acceptable manner within a reasonable amount of time, in conformity with the standards of this By-law, and where applicable, in accordance with all relevant legislation.
- 5.36 All property, including but not limited to; buildings, accessory buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

### **Stairs, Handrails and Guards**

- 5.37 All interior or exterior stairs, porches, landings, ramps, and all associated components shall be maintained in a good state of repair, so as to be free of holes, cracks and any other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 5.38 All ramps and stairs having over 3 risers shall be provided with a handrail in accordance with the Ontario Building Code and maintained in a good state of repair.
- 5.39 Where a guard is required by the Ontario Building Code for new construction or renovation or at other locations where vertical distance to the surface below exceeds 600 millimetres, a guard shall be provided and maintained in a state of good repair even though new construction or renovation is not undertaken.

### **Parking Garages**

- 5.40 Lighting fixtures in all parking garages shall provide adequate illumination and be maintained in a good state of repair.
- 5.41 All ventilation systems within parking garages shall be maintained in a good state of repair at all times.

- 5.42 All means of egress, including doors, in parking garages shall be maintained in a good state of repair and free from all obstructions. All exit signs shall be provided and maintained in a good state of repair.
- 5.43 All floor drains in such garages shall be in good working order and free from obstructions.
- 5.44 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.
- 5.45 All parking garages shall be kept clear of any wrecked, dismantled, discarded, unused, inoperable vehicles, trailers, machinery or objects or parts thereof.
- 5.46 Safety equipment installed on overhead garage doors shall be kept in a state of good repair.

### **Means of Egress**

- 5.47 Every building and dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to an exit at or near grade level.
- 5.48 Where a voice communication system between each dwelling unit and the front lobby and the security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in a good state of repair and in operating condition.
- 5.49 All safety equipment relating to exits and means of egress, such as doors, locks, exit lights, closures, seals, latches and hinges shall be maintained in a good state of repair.

### **Cleanliness**

- 5.50 Every floor, ceiling, wall and fixture in a building shall be maintained in a clean and sanitary condition.
- 5.51 Every floor, wall, ceiling, and fixture in a building shall be free of mould and be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard. This section does not apply to isolated mould originating on the surface that has not penetrated the surface.
- 5.52 Every garbage chute, garbage disposal room, garbage storage area, and garbage container or receptacle shall be maintained in working order, washed and disinfected as often as is necessary to maintain a clean and odour free condition.

### **Interior Finishes**

- 5.53 Every wall, ceiling, or other interior surface shall be maintained in a good state of repair, so as to be free from holes, cracks, damaged and deteriorating plaster or other material.
- 5.54 Finishes, materials and separations shall be in accordance with the Ontario Building Code and shall be properly maintained.
- 5.55 Repairs made to walls, ceilings and other interior surfaces shall be completed in a workmanlike manner and each repair shall be finished to match the existing surfaces.
- 5.56 Unsightly chalk marks, stains, painted slogans, graffiti, and similar markings or defacements on walls, ceilings and other interior surfaces shall be removed and the surface refinished when necessary.

### **Doors**

- 5.57 In the public part of a building, door and door frames including automatic door closures and all necessary hardware shall be maintained in a good state of repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 5.58 Missing, cracked and broken indoor glass panels, glass, screens and windows in the public part of a building shall be replaced with approved glass or similar material.
- 5.59 Glazed doors, windows and other transparent surfaces in those parts of a dwelling used by the tenants in common shall be kept in a reasonable clean condition.
- 5.60 Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in a good state of repair so that a reasonable degree of privacy and safety is afforded to the occupants of the unit and prevent the entry of draughts into the dwelling unit.
- 5.61 Interior doors and door frames shall be maintained in a condition to ensure the proper operation of the door and a door shall be a good fit in its frame. All necessary hardware shall be maintained in a good state of repair.

### **Floors**

- 5.62 Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause a accident and all defective floor boards or materials shall be repaired.
- 5.63 The floor of every bathroom, shower, toilet room and laundry room shall be so maintained as to be resistant to water and readily cleaned.

### **Plumbing**

- 5.64 All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.65 Every dwelling shall be provided with an adequate supply of potable running water.
- 5.66 Every dwelling unit shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius.
- 5.67 Every plumbing fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleaning.
- 5.68 Damage caused as a result of a plumbing fault or moisture accumulation shall be promptly repaired by the owner in accordance with the standards of this By-law.

### **Bathroom and Kitchen**

- 5.69 Every dwelling unit shall be provided with a bathroom, containing at least a toilet, a wash basin, a bathtub or shower and all shall be connected to a sewage system through water seal traps and be provided with an adequate supply of hot and cold running water. Walls surrounding showers and bathtubs shall be impervious to water.
- 5.70 Every dwelling unit shall be provided with a kitchen, containing at least a sink, connected to a sewage system through water seal traps and be provided with an adequate supply of hot and cold running water.

- 5.71 Each kitchen in a dwelling unit shall be:
- a) equipped with a refrigerator and stove in a good state of repair;
  - b) provided with cupboards having a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit; and
  - c) all counter-tops, drawers and cupboards shall be maintained in good condition.
- 5.72 All bathrooms and toilet rooms shall be located within and be accessible from within a dwelling unit and shall be fully enclosed for privacy with a door capable of being locked from the inside and opened from the outside in the event of an emergency.
- 5.73 Where toilet, kitchen, or bathroom facilities are shared by the occupants of residential accommodations other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

### **Heating and Mechanical Systems**

- 5.74 All heating systems, central air conditioning systems, and mechanical systems shall be maintained in a good state of repair and operated free of hazards that could cause an accident.

### **Electrical Systems**

- 5.75 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.
- 5.76 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 good working order, free from fire and accident hazards, and in compliance with the Ontario Hydro Electrical Safety Code.

### **Lighting**

- 5.77 Lighting fixtures and switches shall be installed and maintained in all areas inside and outside every building or structure or part thereof so that work, use or occupation normally carried out in such areas can be undertaken safely.
- 5.78 All fixtures and all connections thereto shall be kept in a safe working condition, and in a good state of repair.
- 5.79 Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a dwelling unit.

### **Ventilation**

- 5.80 In every building all rooms, bathrooms and toilet rooms shall have adequate ventilation at all times either by natural or mechanical means.
- 5.81 In multiple dwellings every laundry room, garbage room, corridor, boiler room, furnace room, and storage garage and all parts of the building used by the tenants in common shall be adequately ventilated.
- 5.82 All natural and mechanical ventilation systems shall be maintained in a good state of repair, in a safe condition and in good working order.

### **Elevating Devices**

- 5.83 Elevating devices in a dwelling, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in a good state of repair and operational.
- 5.84 A current T.S.S.A. Elevator Licence shall be displayed prominently inside the cab of the elevator.

### **Common Areas**

- 5.85 In multiple dwellings all common areas; including but not limited to, hallways, elevating devices, recreation and meeting rooms, children's play structures and areas, mail collection areas, mail boxes, laundry facilities, and recreational equipment shall be kept clean, in a good state of repair and free of defacement or graffiti.
- 5.86 Every supplied facility, furnishing, fixture, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.

## **6. Additional Standards for Buildings Used for Human Habitation**

### **Building Design Standards**

- 6.1 Non-habitable space shall not be used for human habitation.
- 6.2 The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square meters of habitable room floor area.
- 6.3 The minimum dimension of any wall in a habitable room shall be 2 metres.
- 6.4 The minimum area of a room used by only one person for sleeping shall be 6 square metres and the minimum area of a room used by two or more persons shall be 4 square metres for each person using the area.
- 6.5 No portion of a dwelling unit shall be used for human habitation unless:
- a) 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;
  - b) every habitable room, except a kitchen, contains one or more windows or skylights that open directly to the outside air, have a total light transmitting and ventilating area of not less than that required by the Ontario Building Code;
  - c) all windows and skylights are glazed or fitted with an approved substitute, provided with hardware and locking devices and maintained in a good state of repair;
  - d) a heating system is provided which is capable of maintaining adequate and suitable heat in all habitable space within the dwelling unit, in accordance with the Municipality's Rented Dwelling Temperature By-law. Portable heaters are not considered to be part of the heating system; and
  - e) if present in the dwelling, the central air conditioning system is capable of maintaining adequate and suitable cooling in all habitable space within the dwelling unit, in accordance with the Municipality's Rented Dwelling Temperature By-law. Portable air conditioning units are not considered to be part of the central air conditioning system.
- 6.6 Every habitable room shall have a minimum ceiling height in accordance with the Ontario Building Code.

- 6.7 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, ceiling and floors.

### **Utilities**

- 6.8 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.
- 6.9 Where there is fuel burning equipment in any occupied dwelling unit not occupied by the owner and the owner is required by the lease or agreement providing for the occupancy to provide fuel, an adequate supply of fuel, in a convenient and safe location, shall be available at all times for the equipment.

### **Appliances and Facilities**

- 6.10 Any appliance provided as part of a rental or leasing agreement shall be maintained in a good state of repair.
- 6.11 Every laundry facility in a dwelling shall be provided with an adequate supply of hot and cold running water.

## **7. Administration**

### **Duty to Clean**

- 7.1 Every occupant of a dwelling unit shall maintain the dwelling unit and all supplied facilities, equipment and appliances, therein in a clean and sanitary condition.

### **Property Standards Committee**

- 7.2 The Council of the Municipality shall appoint a minimum of three persons to the Property Standards Committee.
- 7.3 Where an appeal has been taken, the Property Standards Committee shall hear the appeal and shall have all the authority and functions of the Property Standards Officer and may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Property Standards Committee, the general intent of the By-law is maintained.

### **Certificate Of Compliance**

- 7.4 A fee of one hundred dollars shall be payable to the Municipality prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner.

### **Penalty And Offence**

- 7.5 An owner who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act.
- 7.6 If an Order is not complied with in accordance with the Order as deemed final and binding or as confirmed or as modified by the Property Standards Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly, and shall be entitled to recover the expense incurred in doing any demolition or repair as municipal real property taxes. The expense of division fence repair shall be determined in accordance with the Town of Ajax Fence Cost Sharing By-law.
- 7.7 A person is guilty of an offence if the person:
- a) hinders or obstructs, or attempts to hinder or obstruct, a Property Standards Officer, or any person accompanied by the Property Standards

Officer, in the exercise of a power or the performance of a duty under this By-law;

- b) makes a false or intentionally misleading recital or fact, statement or representation or produces any falsified or fictitious agreement or document; or
- c) fails to perform a duty imposed within this By-law or who performs an act prohibited herein;

and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act, 1992, S.O. 1992.

- 7.8 Every occupant of a dwelling unit shall co-operate with the landlord in complying with the requirements of this By-law and/or an Order.
- 7.9 Every person shall assist any entry, inspection, examination, testing or inquiry by a Property Standards Officer in the exercise of their duty.

### **Validity**

- 7.10 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 Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

### **Transitional Rules**

- 7.11 After the date of the passing of this By-law, By-law #91-2012 shall apply only to those properties in which an Order has been issued prior to the date of passing 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 with respect to such Order including any demolition, clearance, or repair carried out by the Municipality shall have been concluded.

### **Repeal**

- 7.12 Except for the purposes as set out in Section 7.11 of this By-law, By-law #91-2012 is hereby repealed.

Read a first and second time this  
Twenty-sixth day of June, 2017.

Read a third time and passed this  
Twenty-sixth day of June, 2017.

Steve Parish  
Mayor

Alexander Harras  
D-Clerk