The Corporation of the City of Guelph By-law Number (2000)-16454

A By-law to prescribe standards for the maintenance and occupancy of property, and to adopt Municipal Code Amendment #254 which amends Chapter #220 of the Corporation of the City of Guelph's Municipal Code, and to repeal previous By-laws. [Amended by By-laws (2001)-16498, (2003)-17109; (2005)-17800; (2012)-19425; (2024)-20944]

Whereas the Official Plan for The Corporation of the City of Guelph includes provisions relating to property conditions;

And whereas Section 15.1-(3) of the Building Code Act, S.O. 1992, c.23, provides that a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

And whereas the Council of The Corporation of the City of Guelph desires that a By-law be enacted pursuant to Section 15.1-(3) of the Building Code Act, within the limits of the City of Guelph, including those areas annexed in 1993;

And whereas Section 15.6-(1) of the Building Code Act, requires that a Bylaw passed under Section 15.1-(3) of the Act shall provide for the establishment of a Property Standards Committee;

And whereas Subsection 35.3(1) of the Ontario Heritage Act, as amended (the "Heritage Act"), provides, in part, that, if a by-law passed under section 15.1 of the Building Code Act, 1992, as amended (the "Building Code Act"), setting out standards for the maintenance of property in the municipality is in effect in a municipality, the council of the municipality may, by by-law: (a) prescribe minimum standards for the maintenance of the heritage attributes of property in the municipality that has been designated by the municipality under section 29 of the Heritage Act; and (b) require property that has been designated under section 29 and that does not comply with the standards to be repaired and maintained to conform with the standards;

And whereas Pursuant to subsection 41(1) of the Heritage Act, the council of a municipality may by by-law designate the municipality or any defined area of it as a heritage conservation district;

And whereas by way of By-law Number (2014) – 19812 City Council designated the Brooklyn and College Hill Heritage Conservation District under section 41 of the Heritage Act;

And whereas Subsection 45.1(1) of the Heritage Act provides that, if a by-law passed under section 15.1 of the Building Code Act setting out standards for the maintenance of property in the municipality is in effect in a municipality, the council of the municipality may, by by-law: (a) prescribe minimum standards for the

maintenance of the heritage attributes of property situated in a heritage conservation district designated under Part V of the Heritage Act; and (b) require property that is situated in a heritage conservation district designated under Part V of the Heritage Act and that does not comply with the standards to be repaired and maintained to conform with the standards;

Now therefore the Council of the Corporation of the City of Guelph enacts as follows:

1. Short title

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

2. Interpretation

For the purpose of this By-law, the following terms shall have the corresponding meaning:

2.1 "Accessory Building" means a detached subordinate structure not used for human habitation located on the same lot as the main building.

2.2 "Building" means a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto, but does not include an accessory building.

2.3 "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c. 23, as amended

2.4 "City" means the Corporation of the City of Guelph.

2.5 "Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

2.6 "Guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

2.7 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping, eating or sanitary purposes.

2.8 "Heritage Act" means the Ontario Heritage Act, R.S.O 1990, c. O. 18, as amended;

2.9 "Lodging House" means a residential unit which is used by or on behalf of the owners to provide lodging units for hire or gain directly or indirectly to more than 3 other persons, with or without meals.

2.10 "Occupant" means any person or persons over the age of 18 years in

possession of the property.

2.11 "Ontario Building Code" means regulations made under Section 34 of the Building Code Act, S.O. 1992, C.23, as amended, or any successor thereof.

2.12 "Owner" includes 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 a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

2.13 "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

2.14 "Spillage Susceptible Combustion Appliance" means a vented combustion appliance that is not vented with a positive mechanical means or does not employ sealed combustion.

2.15 "Storm Water" means water from rainfall, other natural precipitation or from the melting of snow or ice.

2.16 "Storm Water Disposal System" means all connected piping, including building storm drains, a building storm sewer, storm drainage piping, subsoil drainage pipes, sump pump piping, catch basins, manholes, water courses, ditches, ponds and drainage swales used to convey storm water from private lands to a municipal storm drainage facility.

3. General standards for all properties

Property

3.1 Every property shall be kept free of any:

3.1.1 Object or condition that may create a health, fire, or accident hazard;

3.1.2 noxious weeds, as defined in accordance with the provisions of the Weed Control Act R.S.O. 1990 Chapter W.S, or any successor thereof, that directly affect lands used for industries of agriculture and horticulture;

3.1.3 Dilapidated or collapsed structure;

3.1.4 Dead or decaying tree, shrub or brush that creates an unsafe condition;

3.1.5 Unstable soil and erosion;

3.1.6 Ponding of water, unless designed for such use.

Parking areas, walks and driveways

3.2 Every area used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair and free of dust or obstructions.

Accessory buildings and other structures

3.3 Every accessory building, fence, sign, retaining wall and other structure shall be maintained in a structurally sound condition, and have all exposed surfaces maintained in good repair by the use of paint, stain or the like, so as to prevent deterioration due to weather conditions, insects or other damage.

Garbage containers and storage

3.4 Every building and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, rubbish and waste generated from the property and be made available for regular removal. Receptacles stored outside of a building, including within a carport, on a covered porch or on an exterior balcony, shall be constructed of watertight material, be rodent proof and be provided with a tight fitting cover.

3.5 Except as provided in section 3.6, every garbage and waste receptacle shall be stored in one of the following locations: in a garbage room designated only for such use within a building, within a garage, within a carport, within an accessory building, on a covered porch, on an exterior balcony, or in any location in the rear yard.

3.6 City issued waste carts may be stored in any exterior location on the property, except carts stored in the front yard of the property must be located adjacent to a building, an accessory building or a fence. The exterior location does not include the City owned road allowance or boulevard.

Pest prevention

3.7 Every building and accessory building shall be kept free of rodents, vermin and insects. Every yard shall be kept free of rodents and vermin. Nothing in this section shall apply to the control of termites or other wood-destroying insects as regulated pursuant to the City's Termite Control By-law (1984)-11441 or any successors thereof.

3.8 Every opening in a building, including any openable window, that might permit the entry of rodents, vermin and insects, shall be screened or sealed.

Firewood

3.9 No firewood shall be stored in a yard that fronts on a municipal street. Firewood may be stored in a rear yard or side yard subject to the following conditions:

3.9.1 Firewood stored in a side yard or rear yard shall be at least 0.6 metres (24 inches) from every property line.

3.9.2 No piece of firewood shall exceed 0.6 metres (24 inches) in length and all firewood shall be stacked and maintained in an orderly pile.

3.9.3 On a property that is less than 0.4 hectares (1 acre) in size, no firewood pile shall exceed 1.5 metres (59 inches) in height or cover more than 20.0 square metres (215 square feet).

3.9.4 On a property that is 0.4 hectares (1 acre) or greater in size, no firewood pile shall cover an area greater than 100.0 square metres (1,076 square feet).

Compost

3.10 Compost on every property shall be contained in a composter or an open pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height.

3.11 Section 3.10 does not apply to a property if composing is necessary for the operation of a business enterprise lawfully situated on the property.

3.12 Every composter or compost pile shall be maintained to deter animals.

Storm Water Disposal

3.13 Every storm water disposal system shall be maintained in the condition for which it was designed and shall not be blocked, altered, filled or obstructed.

3.14 If an adequate storm water disposal system or an adequate municipal storm drainage facility is not available to the property, storm water shall be disposed of in a manner acceptable to the Director of Engineering.

3.15 Every building sump pump shall discharge water to a storm water disposal system. 3.16 If there is no storm water disposal system on the property, the building sump pump is to be discharged to the rear yard and/or front yard unless site specific conditions dictate otherwise.

4. Building standards for all properties

Structural standards

4.1 Every part of a building shall be maintained in a sound condition so as to be capable of safely sustaining its own weight and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

4.2 Every wall, roof, and other exterior part of a building shall be kept free from loose or any improperly secured object or material.

4.3 Every exterior wall, foundation, floor and roof shall be maintained to prevent the entry of water into the building.

4.4 Every exterior surface of a building shall be maintained in good repair by the use of paint, stain or the like, so as to prevent deterioration due to weather conditions, insects or other damage.

4.5 Every window, door and skylight shall be maintained in good repair and weather tight to prevent infiltration by the elements. Screening shall be provided on openable windows and be maintained in good repair.

4.6 Every eaves trough and downspout shall be maintained in good repair.

4.7 Roof drainage shall not be discharged directly from any building onto any walkway, stair, or adjacent property.

Plumbing

4.8 All plumbing, including drains, water supply pipes, water closets 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.

4.9 Sanitary sewage from a fixture shall be discharged through a water seal trap to the municipal sanitary sewer or an approved sewage system.

Electrical service

4.10 Electrical installations necessary to provide electrical power shall be adequate for the need and be maintained in accordance with the Electrical Safety Code of Ontario, or any successor thereof.

4.11 Every washroom, kitchen, laundry room, furnace room, basement, stairway and hall shall be equipped with a permanent light fixture in good working order.

4.12 Every public hallway and stairway shall be illuminated throughout at all times to a minimum level of illumination of 50 lux.

Heating systems

4.13 Every building, except for an industrial occupancy, shall be provided with heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F.) in all occupied areas.

4.14 Every heating system, fuel burning appliance, chimney, and other mechanical system shall be operated and maintained in good working order and free from unsafe conditions.

4.15 No portable heating equipment shall be used as the primary source of heat in any room.

Walls, ceilings and floors

4.16 Every wall, ceiling and floor in a building shall be maintained so as to provide a continuous surface free of any hole, crack, loose covering or other defects.

4.17 Every floor in any washroom, laundry room or kitchen shall be maintained so as to be impervious to water and able to be easily cleaned.

4.18 Every wall surrounding a shower or bathtub shall be impervious to water in accordance with Ontario Building Code requirements.

4.19 Where a fire-resistant wall, ceiling or door exists between two or more separate dwelling units, such wall, ceiling or door shall be maintained in a condition which maintains its fire-resistant rating.

Stairs, porches, balconies, ramps and fire escapes

4.20 Every inside and outside stair, porch, balcony, landing, ramp and fire escape shall be maintained so as to be free of any hole, crack, and other defect which may constitute an accident hazard. Every existing component of a stair, porch, balcony, landing, ramp or fire escape that is broken, warped, loose, rotted or deteriorated shall be repaired or replaced.

Guards and handrails

4.21 A handrail shall be installed in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in good repair.

4.22 Guards shall be installed around the perimeter of the higher floor surface where there is a difference in elevation to adjacent surfaces of more than 0.6 metres (24 inches) and such guards shall be maintained in good repair.

4.23 Every guard shall be a minimum of 0.9 metres (36 inches) in height, where required by Section 4.22.

4.24 The installation of new and replacement guards shall comply with the Ontario Building Code.

Egress

4.25 Every building shall have a safe, continuous and unobstructed passage from the interior of the building to the exterior leading to the street or grade level.

Elevating devices

4.26 Every elevator and other elevating device shall be operational, accessible and maintained in good repair at all times.

Vacated or fire damaged buildings

4.27 Every vacant or fire-damaged building shall be kept free from any flammable substance or debris and shall have all water, electrical and gas services to the

building turned off except those services that are required for the security and maintenance of the property.

4.28 Every fire-damaged building shall be demolished or restored so that the building is structurally sound. Every opening in a fire-damaged building shall be boarded up to prevent unauthorized entry into the building until the necessary work is completed.

4.29 Every vacant building shall be maintained in a secure condition to prevent unauthorized entry.

5. Additional residential standards

Safety and security

5.1 Every openable window within 2 metres of grade (6.5 feet), exterior door and every entrance door to a dwelling unit shall be equipped with hardware so as to be capable of being locked or otherwise secured.

5.2 Every entrance door to a dwelling unit shall be a solid core door, excluding the glazed areas.

5.3 Every entrance door locking release mechanism and every dwelling unit-to-vestibule communication system shall be maintained in proper working order.

5.4 Every window located greater than 2.0 metres (78 inches) above grade in residential buildings, within the scope of Part 3 of the Ontario Building Code, shall be provided with a controlled sash operation, to restrict, when engaged, the opening of the operable sash to not more than 0.10 metres (4 inches).

5.5 Every dwelling unit shall be provided with an operable smoke alarm. Smoke alarms shall be located between each sleeping area and the remainder of the dwelling unit.

5.6 Every floor level containing a bedroom in residential buildings within the scope of Part 9 of the Ontario Building Code, shall be provided with a window or exterior door having a minimum openable area of 0.35 square metres (3.8 square feet) and a minimum dimension of 0.38 metres (15 inches).

5.7 An approved carbon monoxide detector shall be installed in any room within a dwelling unit which contains a spillage susceptible combustion appliance.

Kitchens

5.8 Every kitchen in a dwelling unit or lodging house shall be equipped with:

5.8.1 a sink that is served with an adequate supply of hot and cold potable water and that is surrounded by surfaces impervious to water;

5.8.2. a cupboard, shelving or pantry for storage of food, dishes and cooking utensils;

5.8.3 a counter top work area covered with a material that is impervious to water and is able to be easily cleaned;

5.8.4 a space provided for cooking and refrigeration appliances including suitable electrical or gas connections;

5.8.5 appliances that are in safe and proper working order, where such appliances are provided.

Washroom facilities

5.9 Every dwelling unit shall contain a washroom consisting of at least one operational water closet, wash basin, and a bathtub or shower. Every wash basin, bathtub and shower shall have an adequate supply of hot and cold potable water. Every water closet shall have an adequate supply of running water.

5.10 Every required washroom shall be accessible by the occupant without having to travel through any room of another dwelling unit, through an unheated corridor or to the outside of the building.

5.11 Every lodging house shall provide a minimum of one washroom for every five lodgers.

5.12 Every required washroom shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.

Natural light

5.13 Every living room and bedroom in a dwelling unit shall have an exterior window or skylight with a minimum glass area equal to 2.5% of the floor area of that room.

Ventilation

5.14 Every habitable room in a dwelling unit shall be provided with an openable window or an adequate mechanical ventilation system.

Occupancy standards

5.15 Accumulation or storage of garbage, refuse, appliances, or furniture in hallways, stairways or balconies shall not be permitted.

5.16 All habitable rooms shall have a minimum ceiling height of 1.95 metres (77 inches), unless otherwise authorized by the Ontario Building Code.

5.17 Section 5.16 does not apply where the original roof construction has created a lessor ceiling height and, in such event, a minimum of one-half of such room area shall have a ceiling height of 1.95 metres (77 inches).

5.18 Every room in any dwelling unit used for sleeping purposes shall have a minimum room area of 7.0 square metres (75 square feet).

5.19 The number of occupants in a dwelling unit shall not exceed one person for every 13 square metres (140 square feet) of total habitable room space.

6. Property standards committee

6.1 A Property Standards Committee shall function as set out in Section 15.6 of the Building Code Act, to hear and rule on appeals against the Orders of the Property Standards Officer.

6.2 The Property Standards Committee shall be comprised of five (5) persons but not less than three (3) persons.

6.3 Every member of the Property Standards Committee shall be a Canadian Citizen, 18 years of age or older, and either the owner or tenant of land, or the spouse of an owner or tenant of land in the municipality.

6.4 Notwithstanding Section 6.3, an employee of the City of Guelph, an employee of a local board as defined in the Municipal Affairs Act other than a school board, a judge of any court, a member of the Legislative Assembly, and a Crown employee within the meaning of the Public Service Act, shall be disqualified.

6.5 A person currently serving on the Property Standards Committee, who does not meet the eligibility requirements set out in Section 6.3 may be permitted to complete the balance of their appointment, but shall not be eligible for re-appointment unless the eligibility requirements can be met.

6.6 The term of appointment to the Property Standards Committee shall be one (1) year for first time appointments and up to three (3) years for any subsequent appointments.

6.7 Where a member of the Property Standards Committee fails to attend three (3) successive regular meetings of the Committee without being authorized to do so by a resolution of the Committee entered upon its minutes, the member may be terminated.

6.8 The Property Standards Committee shall meet as required to study and report on business of the Committee, as soon as is practicable, upon receipt of a notice of appeal of an Order.

7. Enforcement

7.1 The owner or occupant of any property that does not conform to the standards established in this By-law shall either:

7.1.1 Repair and maintain such property to conform with the standards of this By-law; or

7.1.2 Clear the property of all buildings, structures, debris and refuse and leave it in a graded and levelled condition.

8. Penalty clause

8.1 Every owner or occupant who fails to comply with an Order that is final and binding is guilty of an offence.

8.2 Any person who is convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 36 of the Building Code Act, S.O. 1992, c.23, as amended from time to time, or any successor thereof.

9. Prior By-laws repealed

By-law Numbers (1968)-6952, (1978)-9884, (1979)-10110, (1980)-10423, (1983)-11258, (1985)-11723, as amended, are hereby repealed.

Pursuant to Section 3 of the Order in Council made March 25, 1993 and registered as Instrument Number 704622 on December 3, 1993, Township of Puslinch By-law 37-89 and Township of Guelph By-law 40-92, as they apply to the annexed lands, are hereby repealed.

10. Municipal code amended

Chapter 220, "Property Maintenance", Article 2 of the City of Guelph Municipal Code is hereby deleted and this By-law substituted therefore, being Municipal Code Amendment #254.

11. Minimum standards for the maintenance of the heritage attributes of heritage properties Minimum Standards

11.1 In addition to the minimum standards for the maintenance and occupancy of Property in the city of Guelph as set out in this By-law, the owner or occupant of Property designated under Part IV or Part V of the Ontario Heritage Act shall:

11.1.1 Maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the Property; and

11.1.2 Maintain the Property and the components of the Property that hold up, support or protect the heritage attributes in a manner that will ensure the protection and preservation of the heritage attributes.

Repair of Designated Heritage Attributes

11.2 Despite any other provision of this By-law, where a heritage attribute of a Property designated under Part IV or Part V of the Ontario Heritage Act can be repaired, the heritage attribute shall not be replaced and shall be repaired:

11.2.1 In a manner that minimizes damage to the heritage values and attributes of the Property as outlined in the designation by-law;

11.2.2 In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;

11.2.3 Using the same type(s) of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and

11.2.4 Where the same type(s) of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

Replacement of Heritage Attributes

11.3 Despite any other provision of this By-law and subject to the Ontario Heritage Act and the Building Code Act, where a heritage attribute of a Property designated under Part IV or Part V of the Ontario Heritage Act cannot be repaired, the heritage attribute shall be replaced:

11.3.1 Using the same type(s)s of material as the original;

11.3.2 Where the same type(s) of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and/or

11.3.3 In a manner that replicates the design, colour, texture, grain and other distinctive features.

Vacant and Damaged Heritage Properties

11.4 The owner of vacant Property designated under Part IV or a Part V of the Ontario Heritage Act shall protect the Property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons and by closing and securing openings to the building with boarding:

11.4.1 That completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening, so that the exterior trim and cladding remains uncovered and undamaged by the boarding;

11.4.2 That is fastened securely in a manner that minimizes damage to the heritage attributes and is reversible; and

11.4.3 In a manner that minimizes visual impact.

Passed this 16th day of October, 2000.

Original signed by:

Joe Young - Mayor

Lois A Giles - City Clerk