

CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

BY-LAW #54-2025

Being a by-law to prescribe standards for the maintenance and occupancy of buildings and property.

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a Bylaw 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 Official Plan for The Township of McMurrich/Monteith includes provisions relating to property conditions;

AND WHEREAS the Council of The Township of McMurrich/Monteith is desirous of passing a Bylaw under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

AND WHEREAS Section 15.6(1) of the *Building Code Act, S.O. 1992, c.23* requires that a Bylaw passed under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23* shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE the Council of The Township of McMurrich/Monteith hereby enacts the following:

Section 1: General

1.01 Short Title

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

1.02 Defined Area

This By-law applies to all properties within the boundaries of the Corporation of the Township of McMurrich/Monteith.

1.03 Property Standards Officer

The Council shall, by By-law, appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this bylaw.

1.04 Placarding

Where an Officer has placed or caused the placing of a placard containing the terms of notice or order upon the premises under the authority of Section 15.2(3) of the *Ontario Building Code Act, S.O. 1992, c 23* as amended, no one shall remove the said placard except with the consent of an Officer.

1.05 Property Standards Committee

A Property Standards committee shall be established to review orders issued by the Property Standards Officer and shall be comprised of no fewer than three (3) persons of the Township, for a term of office concurrent with Council.

1.06 Annual Report

An annual report on this bylaw will be presented to Council each year with the following information being gathered: number of complaints received, method of enforcement utilized, and number of complaints resolved.

Section 2: Definitions

2.01 In this Bylaw:

- 1) **"Accessory Building"**- means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.

- 2) **“Act”**- means an enactment or statute of the Province of Ontario.
- 3) **“Approved”**- means acceptance by the Property Standards Officer.
- 4) **“Basement”**- shall mean that portion of a building between two floor levels, which is partly underground.
- 5) **“Building”**- means any structure used or intended to be used for supporting or sheltering any use or occupancy.
- 6) **“Building Code”**- means the *Building Code Act* and any regulations made under that Act.
- 7) **“Chief Official”**- means the Chief Building Official appointed under Section 3 of the *Building Code Act, 1992, c. 23* and having jurisdiction for the enforcement thereof.
- 8) **“Township”**- shall mean The Corporation of the Township of McMurrich/Monteith unless the context requires otherwise.
- 9) **“Code”**- means a regulation of the Province of Ontario known,
 - a) with respect to matters relating to building, as the *Building Code*;
 - b) with respect to matters relating to electricity, as the *Electrical Safety Code*;
 - c) with respect to matters relating to fire, as the *Fire Code*; and
 - d) with respect to matters relating to plumbing, as the *Plumbing Code*.
- 10) **“Committee”**- means a Property Standards Committee established under this Chapter.
- 11) **“Council”**- shall mean the Council of the Corporation of the Township of McMurrich/Monteith.
- 12) **“Dwelling”**- means a building, structure or part thereof, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation continuously, permanently, temporarily or transiently.
- 13) **“Dwelling unit”**- means
 - a) a room or a group of room(s) in a building used or designed or intended to be used by only one household as a single, independent and separate housekeeping establishment;
 - i) In which food preparation and sanitary facilities are provided for the exclusive use of such household; and,
 - ii) Which has a private entrance from outside the building or from a common hallway or stairway inside the building; but
 - b) Does not mean or include a tent, trailer, or a room or suite of rooms in a hotel, motel, motor hotel or bed and breakfast business.
- 14) **“Exterior property area”**- means the building lot excluding buildings.
- 15) **“Fence”**- means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.
- 16) **“First Storey”**- means floor area of the lowest story of a building approximately at or just above the finished grade level excluding any basement, which is measured between the exterior faces of the exterior walls at the floor level of such storey.
- 17) **“Ground cover”**- means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- 18) **“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 them.
- 19) **“Habitable room”**- means a room in which
 - a) Is located within a dwelling unit;

- b) Is designated for living, sleeping, or eating, and contains for food preparation facilities, and
 - c) Can be used at all times throughout the year but does not include any room specifically defined herein as a non-habitable room.
- 20) **“Non-habitable space”**- means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.
 - 21) **“Non-Residential Property”**- means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
 - 22) **“Noxious Weeds”**- any weeds classed as noxious by the *Weed Control Act R.S.O. 1990, c. W.5* and any regulations made pursuant to the aforementioned Act.
 - 23) **“Occupant”**- means any person or persons over the age of eighteen years in possession of the property.
 - 24) **“Officer”**- means a Property Standards Officer who has been appointed by the Council and has the responsibility of administering and enforcing the provisions of this Bylaw.
 - 25) **“Owner”**- includes the owner in trust, a mortgagee in possession, 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 their 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 shall also include 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.
 - 26) **“Person”**- means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
 - 27) **“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, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
 - 28) **“Repair”**- includes the provision of such facilities and 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 Bylaw.
 - 29) **“Safe condition”**- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
 - 30) **“Sewage”**- means sanitary sewage or storm sewage
 - a) Sanitary sewage means liquid or water borne waste of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary sink and laundry waste.
 - b) Storm sewage means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.
 - 31) **“Sewage System”**- means a municipal sanitary sewage system, or a properly maintained and functioning private sewage system.
 - 32) **“Sign”**- means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use.
 - 33) **“Standards”**- means the standards of physical condition and occupancy prescribed for property by this by-law.

- 34) **“Structure”**- means anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass or is attached to a building, including a septic system, holding tanks, satellite receiving dishes and heat pumps.
- 35) **“Structurally Sound”**- means construction capable of withstanding the forces placed upon the structure under normal use.
- 36) **“Vacant land”**- any property on which there is no structures of any kind.
- 37) **“Vacated”**- means a structure or property no longer occupied.
- 38) **“Vehicle”**- includes a motor vehicle, trailer, boat, motorized snow vehicle, ATV/UTV or other mechanical power-driven equipment.
- 39) **“Vermin”**- means small common harmful or objectionable animals that are difficult to control.
- 40) **“Waste”**- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather.
- 41) **“Yard”**- means the land other than publicly owned 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.

Section 3: General Standards for all Property and Uses

3.01 SCOPE

1. No owner or occupant of property shall use, occupy, or allow, or permit, the use or occupation of the property unless such property conforms to the standards prescribed in this Bylaw.
2. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this Bylaw.
3. The owner of any property which does not conform to the standards in this Bylaw shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
4. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
5. All new construction or extensive repairs shall conform to the *Ontario Building Code*, where applicable.
6. This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1*, from carrying out a normal farm practice as provided for and defined under that Act.

3.02 YARDS

Shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, or accident hazard.

- 1) Every property shall be kept free from garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property
- 2) Without restricting the generality of this Section, such maintenance includes the removal of:
 - (a) rubbish, garbage, waste, and litter;
 - (b) injurious insects, termites, rodents, vermin, and other pests; and any condition which may promote an infestation.

- (c) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;
- (d) noxious weeds pursuant to the Weed Control Act and any excessive growth of other weeds, grass and bushes;
- (e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant Bylaws, Chapters or statutes;
- (f) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well;
- (g) domestic animal excrement;
- (h) Constructions Bins, unless they are actively being used in connection with the construction or demolition of a building or structure.

3.03 OUTDOOR STORAGE OF MATERIALS-NO IMMEDIATE USE

1. No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.

3.04 GRASS-TREES- BUSHES-HEDGES-LANDSCAPING

1. Grass, trees, bushes, hedges, and other landscaping, shall be maintained to prevent an unreasonable overgrowth in relation to the neighbouring environment.

3.05 LOT GRADING-DRAINAGE

1. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
2. No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.
3. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.

3.06 WALKWAYS AND DRIVEWAY

1. Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to:
 - a) prevent ponding of storm water;
 - b) be kept free of garbage and waste;
 - c) be kept free of deep ruts and holes;
 - d) provide for safe passage under normal use and weather conditions, day or night; and
 - e) not to create a nuisance to other property.

3.07 PARKING LOTS

1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
2. Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, or accident hazard.

3.08 SNOW DISPOSAL-STORAGE

1. A property owner shall cause any snow disposal site or a snow storage site on that property to be:
 - a) maintained so as not to cause a hazard on the property; and
 - b) maintained in such a manner and location on a property so as to prevent a hazard, flooding, erosion and other damage to neighbouring private or public lands.

3.09 RETAINING WALLS

1. All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

3.10 WELLS-CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

1. A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

3.11 ACCESSORY BUILDINGS

1. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material.

Section 4: Exterior Property Areas

4.01 STRUCTURAL ADEQUACY-CAPACITY

1. All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
 - d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

4.02 FOUNDATION WALLS-BASEMENTS

1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

4.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weathertight, free from loose or unsecured objects and maintained in good repair:

1. In good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and
2. Shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.

3. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
4. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

4.04 DOORS-WINDOWS-CELLAR-HATCHWAYS

1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.
2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.
3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

4.05 ROOF

1. Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
2. Without restricting the generality of this Section, such maintenance includes:
 - a) removal of loose, unsecured or rusted objects or materials;
 - b) removal of dangerous accumulations of snow or ice;
 - c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - d) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

4.06 GARAGE-CARPORT

1. Garages and carports, including floors, shall be maintained in good repair and free from hazards.

Section 5: Plumbing and Sewage

5.01 PLUMBING

1. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
2. Plumbing systems on a property shall be provided, installed and maintained:
 - a) in compliance with the respective requirements of any applicable Act or Bylaw;
 - b) in good working order and good repair; and
 - c) in a safe condition.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

5.02 SEWAGE SYSTEM

1. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.

2. Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
3. The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

5.03 VERMIN CONTROL

1. Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

Part 6: Non-Residential Property Standards

6.01 YARDS

1. Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards as described in Section 3 of this Bylaw and:
 - a. in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - b. free from objects conditions which are health, fire or safety hazards; and
 - c. free from rodents, insects or vermin.
2. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard and shall provide unconstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

6.02 SALVAGE YARD

1. Salvage yards shall be effectively screened from public view by a visual barrier.
2. Must comply with all provincial licensing, acts, and statutes.

Section 7: Vacant Land

7.01 Vacant land

1. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

7.02 Vacant Building

1. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
2. The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building.
3. If a building remains vacant for a period of more than **ninety (90) days**, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

7.03 Damage by Fire-Storm-Other Causes

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed **ninety (90) days**.

2. Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

7.04 Demolish Building

1. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
2. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

Section 8: Administration and Enforcement

8.01 Non-Compliance

1. The owner of any property which does not conform to the standards as set out in this Bylaw shall repair and /or maintain said property to comply with the standards or the property may be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.
2. Where any person fails to comply with an order issued, the township may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
3. Where the Township undertakes to complete the work 100% of the required to comply with any final order, for cost of the all work performed, necessary work, plus a further administrative fee of an additional 20%.

8.02 Inspections

1. An Officer and any Person acting under the Officer's instructions may, with out a warrant, enter and inspect a Property (Not Dwelling) to determine:
 - a) whether the Property conforms to the Standards prescribed in this By-Law;
 - b) whether an Order made under this By-Law has been complied with; and
 - c) whether and Order made under section 15.7 of the *Ontario Build of Code Act*, 1992, as amended, has been complied with.
2. Where the inspection is conducted by the Officer or any Person acting under the Officer's instructions, the Person conducting the inspection may:
 - a) require the production for inspection of documents, or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection including their name, address, phone number, and identification;
 - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;
 - e) order the Owner of the Property to take and supply at the Owner's expense such tests and samples as are specified.

8.03 Orders

1. An Officer who finds that a Property does not comply with the Standards prescribed in this By-law may make an Order and the Order shall contain:
 - a) the municipal address and/or the legal description of the property;
 - b) the particulars of the contravention;
 - c) the particulars of the repairs to be made;
 - d) the time period for complying with he terms and conditions of the Order
 - e) the final date for giving notice of appeal from the Order; and
 - f) notice that, if the repair or clearance is not carried out within the time period specified on the Order, the Township may carry out the repair or clearance at the Owner's expense.

2. An Order may be registered in the proper Land Registry Office and, upon such registration, any Person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was originally served and, when the requirements of the Order are found to have been satisfied, the Clerk or Officer shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

8.04 Service

1. An Order shall be served personally or by registered mail sent to the last known address of the Person to whom notice is to be given or that Person's agent for service.
2. An Order served by Registered Mail shall be deemed to have been served on the 5th day after the date of mailing.
3. A copy of the Order may be posted on the Property.
4. If the Officer is unable to effect service of the Order, the Officer and any person acting under the authority of the Officer, shall place a placard containing the terms of the Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Order on the owner or other persons responsible for the condition of the property. Once posted, no person shall remove any sign, notice, order, or placard placed on the property by an Officer pursuant to this by-law.

8.05 Demolition or Repair by the Township

1. If the Owner of a Property fails to demolish or repair the Property in accordance with the requirements of an Order, as confirmed or modified, the Township, in addition to other remedies, shall:
 - a) have the right to demolish or repair the Property accordingly and for those purposes, may enter in and upon the Property, from time to time.
 - b) not be liable to compensate such Owner or other Person by reason of anything done by or on behalf of the Township under the provisions of this By-law; and
 - c) be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.
2. The Township shall not demolish or repair any Property in accordance with the provisions of the By-law without first obtaining direction to do so from the Council and CAO or Clerk of the Township.
3. Despite Subsection (2), the Property Standards Officer may Order the repair or maintenance of a property within the Township provided the total cost of repair or maintenance does not exceed \$10,000.

8.06 Conflicts

1. Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.07 Validity

1. If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

8.08 Penalty

1. An owner who fails to comply with an order that is final and binding under this Bylaw is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

8.09 Notice of Violation

1. The notice shall be sent to the known address of the owner and shall state:

- a) That the property does not comply with the standards prescribed by this By-law and shall specify the standards with which the property does not comply,
- b) That after a certain date to be specified in the notice of non-compliance by the Officer, the property will subject to re-inspection at which time the Officer may issue an Order,
- c) That the Officer may be contacted for the purpose of requesting information and advice on reporting what action is being or will be taken to effect compliance with the By-Law.

8.10 Appeal of Notice

- 1. All appeals shall follow the process as set out in section 5 of the attached Schedule "A" being the Terms of Reference for the Property Standards Committee.

8.11 SEVERABILITY

- 1. It is hereby declared that each and every of the foregoing provisions of this Bylaw is severable and that, if any provisions of this Bylaw should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.12 Repeal

That Bylaw 44-2024 is hereby repealed.

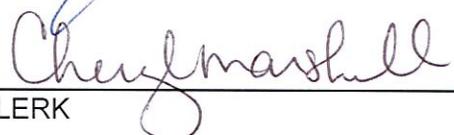
8.13 Effective Date

- 1. That this By-law shall come into force and effect on the day it is passed.

READ a first and second time this 18th day of November, 2025.

THE CORPORATION OF THE
TOWNSHIP OF MCMURRICH/MONTEITH



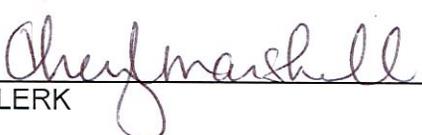
MAYOR


CLERK

READ a third time and finally passed this 18th day of November, 2025

THE CORPORATION OF THE
TOWNSHIP OF MCMURRICH/MONTEITH



MAYOR


CLERK

**The Corporation of the Township of McMurrich/Monteith
By-law #54-2025**

Schedule 'A'

**Property Standards Committee
Terms of Reference**

1. Mandate

- 1.1 The Property Standards Committee is a quasi-judicial body that hears appeals to orders issued by the Property Standards Officer for violations of certain Ontario Building Code and Municipal By-law standards for residential, multiple residential and commercial properties.
- 1.2 This Committee is established pursuant to Section 15.6 of the *Ontario Building Code Act*, R.S.O. 1992, c. 23 as amended.
- 1.3 The Property Standards Committee shall hear the Appeal of a Property Standards ORDER, given under the Townships Property Standards By-law, and shall have all the powers to confirm, extend, modify, and/or rescind the Order.

2. Composition

- 2.1 The committee shall be composed of a minimum of at least three (3) members and not more than five (5) members, as Council deems advisable.
- 2.2 The Property Standards committee shall hold Office during the term of Council of the Corporation of the Township of McMurrich/Monteith and shall have the powers and perform the duties of the Property Standards Committee for the Township as prescribed in Section 15.3 (3.1) of the *Ontario building Code Act*, R.S.O. 1992, c. 23.
- 2.3 The Committee, from its members, shall elect a Chairperson, at a meeting arranged by the Secretary, shortly thereafter the appointment of the Committee.
- 2.4 When the Chairperson is absent through illness or otherwise, the Committee may appoint another member to act as Chairperson.
- 2.5 Two (2) members of the Committee shall constitute a quorum if the Committee consist of three (3) persons and three (3) members of the Committee shall constitute a quorum if the Committee consists of four (4) or five (5) members.
- 2.6 The Council of the Township will appoint a Staff person who will serve as the Secretary for the Committee. The Secretary shall not have voting powers.
- 2.7 Committee members shall be appointed by Council to this volunteer position.

3. Responsibilities of the Committee Members

3.1 Chairperson

The Chairperson:

- 3.1.1 shall ensure oaths administered;
- 3.1.2 is responsible to ensure that the Township and the appellant are provided equal opportunity to give evidence;
- 3.1.3 shall ensure that the evidence is presented in accordance with the procedures outlines below;
- 3.1.4 is responsible for the conduct of the meeting/appeal.

3.2 Secretary

The Secretary of the Committee, upon receipt of the Notice of Appeal shall:

- 3.2.1 determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the appeal
- 3.2.2 give notice, in writing, of the date, place and time of the Hearing, to:

- a) the appellant;
 - b) the Officer who issued the Order; and
 - c) any others as considered advisable by the Committee
- 3.2.3 notify
- a) the appellant;
 - b) the Officer who issued the Order; and
 - c) any other person who appeared at the hearing of the Appeal of the Decision, by causing a copy to be served personally or by registered mail

4. Duties of the Committee

- 4.1 A duty arises when:
- a) An Officer issues an Order pursuant to Section 15.2.2 or 15.7 of the Ontario Building Code Act, 1992, c. 23; and
 - b) the owner or occupant, upon whom an ORDER has been issued, is not satisfied with the ORDER or the terms or conditions thereof and files an APPEAL

5. Appeal

- 5.1 No Appeal:
In the event that no appeal is taken, an ORDER shall be deemed to have been confirmed.
- 5.2 Notice of Appeal:
An owner or occupant may APPEAL, to the Committee by sending a Notice of Appeal, by registered mail, to the Secretary of the Committee, within fourteen (14) days of the service of an ORDER.
- 5.3 Procedure for an Appeal:
- a) upon receipt of an APPEAL, the Committee shall hold a hearing at the date, place and time set out in the Notice;
 - b) the Committee shall hear all evidence from the Township and the appellant in accordance with the rules of evidence.
- 5.4 Appeal to Court:
The Township, or any owner or occupant or person affected by the Committee's decision, may appeal to a judge of the Superior Court by notifying the Clerk of the Corporation, in writing and by applying to the Ontario Superior Court for an appointment with fourteen (14) days after the sending of a copy of the decision.

6. Rules of Evidence

- 6.1 The Committee will be given copies of the following:
- Property Standards By-Law
 - Copy of the Order and informal Notice(if applicable)
- 6.2 a) The Township will present its evidence to the Committee first:
- witness
 - testimony
 - documentary evidence
- b) The Chairperson, prior to allowing any witness to give testimony will have the witness take an OATH swearing/affirming that they will tell the truth;
- c) The appellant and the Committee will have the opportunity to question any Township witness, after the Township has completed their line of questioning for that particular witness (cross examination);
- d) The Township will have the opportunity to clarify any evidence brought out in cross-examination.
- 6.3 Once the Town has completed its evidence, the Appellant may present their evidence. The procedure applies as in 6.2.
- 6.4 Upon completion of the Appellant's evidence the Township has the opportunity to give Reply Evidence (i.e. is during the course of the defence, the Appellant or Witness have raised an issue not previously raised by the Township, then as Reply Evidence, the Township may call evidence on the point which had not been previously raised).

- 6.5 Once the evidence for the Appellant and the Township is completed, both will have the opportunity to summarize their evidence and provide the Committee with closing comments.
- 6.6 The Property Standards Committee may:
 - a) Confirm the ORDER;
 - b) Modify or the ORDER;
 - c) Rescind the ORDER;
 - d) Extend the time for complying with the ORDER.
- 6.7 The Committee shall give its decision in writing, within ten (10) working days.