



# The Corporation of the Town of Whitby

## Property Standards By-law # 6874-14

### Consolidated Version

A By-law to prescribe standards for the maintenance and occupancy of property within the Town of Whitby and for prohibiting the occupancy or use of such property that does not conform with the standards contained herein

This document has been reproduced for convenience only and is a consolidation of the "Property Standards By-law # 6874-14", adopted by the Council of the Town of Whitby on June 9, 2014.

As amended by By-laws:

By-law Number	Date Passed:	Section(s) Amended:
7579-19	November 25, 2019	Sections 2.12, 3.12, and 4.1
7697-20	November 30, 2020	Sections 3.12, 4.1.5, 4.1.6, and 4.8.5
7877-22	April 11, 2022	Sections 1, 4.1.13, 5.1.4, and 11.17.2
7895-22	May 16, 2022	Sections 1.14, 2.7, and 2.8
8000-23	June 19, 2023	Sections 1.27, 4.1.3, and 4.1.4
8007-23	June 19, 2023	Section 3.12.5
8188-25	May 26, 2025	Sections 2.12, 2.17, 2.18, 15, 15.1

Individual copies of any of the above by-laws are available from the Office of the Town Clerk of the Town of Whitby. For legal purposes, copies of the original by-laws should be obtained.

# Property Standards By-law

Being a By-law to prescribe standards for the maintenance and occupancy of property within the Town of Whitby and for prohibiting the occupancy or use of such property that does not conform with the standards contained herein.

Whereas pursuant to Section 15.1(3) of the Building Code Act, 1992, S.O., 1992, c. 23, as amended, the Council of a municipality may pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

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# 1. Interpretation

## Definitions

- 1.1. “acceptable” means acceptable in the opinion of the Property Standards Officer;
- 1.2. “accessory structure” means a subordinate, detached structure designed or intended for the better or more convenient use of the main building to which it is accessory, including private garages not attached in any way to the main building and located upon the lot where the main building is, or is intended to be erected;
- 1.3. “adequate and suitable heat” means a minimum air temperature within a dwelling unit of twenty (20) degrees Celsius, which is equivalent to sixty-eight (68) degrees Fahrenheit;
- 1.4. “adequate and suitable hot water” means hot water which shall be at least forty-three (43) degrees Celsius, which is equivalent to one hundred and nine (109) degrees Fahrenheit, when measured at a tap with the hot water running for at least thirty (30) seconds;
- 1.5. “adequate and suitable supply of hot water” means a supply of hot water that is available and of sufficient quantity for the normal use of all kitchen and bathroom sinks and showers contained within a building;
- 1.6. “adequate and suitable supply of potable water” means a continuous supply of potable water of sufficient quantity for the normal use of kitchen, laundry and bathroom facilities;
- 1.7. “adequate artificial light” applies to the level of artificial lighting in halls, corridors, stairs or landings and means sufficient lighting to provide an average level of illumination of at least thirty-two (32) lux at floor or tread level, which is equivalent to three (3) foot candles at floor or tread level;
- 1.8. “basement” means a storey or the storeys of a building located below the first storey;
- 1.9. “building” means,
  - 1.9.1. a structure occupying an area greater than ten (10) square metres, which is equivalent to one hundred and eight (108) square feet, which consists of a wall, roof and floor or any combination thereof or a structural system serving that function and includes all plumbing, works, fixtures and service systems appurtenant to it; or
  - 1.9.2. a structure occupying an area of less than (10) square metres that contains plumbing, including any plumbing appurtenant to it; or
  - 1.9.3. plumbing not located in a structure; or
  - 1.9.4. a sewage system; or
  - 1.9.5. any structure designated as a building in the Ontario Building Code; and

- 1.9.6. any accessory structure that meets any of the provisions listed above.
- 1.10. “by-law” means this by-law, as amended from time to time, including any preamble and any schedules forming part of this by-law;
- 1.11. “chattel” means an item of tangible property other than land, buildings and other things annexed to land;
- 1.12. “clean and sanitary” means clean and sanitary in the opinion of the Property Standards Officer;
- 1.13. “compost” means a mixture of decaying organic matter capable of being used as fertilizer;
- 1.14. “committee” means the Municipal Licensing and Standards Committee established pursuant to the Building Code Act, and Subsection 2.7. and Subsection 2.8. of this by-law;
- 1.15. “Council” means the municipal council for the Town;
- 1.16. “disconnect” means to shut off, remove or discontinue as the context requires;
- 1.17. “dwelling” means a building or structure, any part of which is used or is designed and capable for use for the purpose of human habitation and includes a building that would be used or is used for such purposes and includes a mobile home;
- 1.18. “dwelling unit” means a suite designed or intended for use by one family, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment, and with a private entrance from outside the building or from a common hallway or stairway inside;
- 1.19. “elevating device” means a non-portable device for hoisting and lowering or moving persons or freight, and includes an elevator, dumbwaiter, escalator, moving walk, device commonly known as a manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift and stairway lift;
- 1.20. “first storey” means the storey with its floor closest to the established grade and having its ceiling more than one point eight (1.8) metres, which is equivalent to five foot eleven inches (5’11”) above grade;
- 1.21. “floor area” means the space on any storey of a building between the exterior walls and required firewalls including the space occupied by interior walls and partitions, but does not include exits, vertical service spaces and their enclosing assemblies;
- 1.22. “garage” means a building or structure that is used, or designed and capable for use for the parking and storage of motor vehicles;
- 1.23. “graffiti” means one or more letters, symbols, numbers, etchings, inscriptions, pictorial representations or other markings that disfigure or deface property howsoever made or otherwise affixed to property, but does not include a mural;

- 1.24. “ground cover” means organic or non-organic material applied in a manner to prevent the erosion of soil, including but not limited to, concrete, flagstone, asphalt, interlocking stone and grass;
- 1.25. “guard” means a protective barrier designed to prevent accidental falls from one level to another and typically installed around openings in floors, at the open sides of stairs, landings, balconies, mezzanines, galleries and raised walkways;
- 1.26. “habitable room” means a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sun room;
- 1.27. “hedge” means a line of three (3) or more closely planted bushes or shrubs planted in a manner that creates a significant barrier to light without the existence of large gaps but shall not include living walls identified by the Town as acoustic barriers or trees which are closely planted and have not been sheared;
- 1.28. “heritage attributes” means the attributes of a property and the buildings and structures on the property that contribute to the cultural heritage value and the elements, features or building components that support or protect the heritage attributes that are described in,
- 1.28.1. a by-law designating a property passed under the Ontario Heritage Act, that identifies the heritage attributes, values and reasons for designation; or
  - 1.28.2. a Minister’s Order made under the Ontario Heritage Act, that identifies the heritage attributes, values and reasons for designation; or
  - 1.28.3. a by-law designating a heritage conservation district passed pursuant to the Ontario Heritage Act, that identifies the heritage attributes, values and reasons for designation.
- 1.29. “injurious insect” means any insect that is deemed a health hazard in the Health Protection and Promotion Act, or any insect that is capable of causing structural damage to a building or structure, including termites and carpenter ants;
- 1.30. “inoperative motor vehicle” means a vehicle that is in a wrecked, dismantled, partially dismantled or abandoned condition;
- 1.31. “mixed-use building” means a building used or designed and capable for use in part for residential purposes and in part for non-residential purposes;
- 1.32. “multiple unit dwelling” means a building containing two (2) or more dwelling units;
- 1.33. “naturalized property” means property that is owned or operated by the Town of Whitby, Regional Municipality of Durham, the Provincial or Federal Government or Central Lake Ontario Conservation Authority that is left in a naturalized condition for the purposes of recreation or to protect the surrounding environment or any woodlot as defined in the Town’s Tree Protection By-law;

- 1.34. “non-habitable” means any portion of a dwelling or dwelling unit that does not comply with the standards of fitness for occupancy set out in this by-law, and includes bathroom facilities, toilet rooms, laundry facilities, pantries, lobbies, corridors, stairways, closets, boiler rooms or other spaces dedicated and used exclusively for the service and maintenance of the dwelling or dwelling unit;
- 1.35. “non-residential property” means a building or structure not occupied or designed and capable of being occupied in whole or in part for the purpose of human habitation, and includes any lands and premises appurtenant to the building or structure, and all accessory structures, outbuildings, fences and other structures on the property;
- 1.36. “occupant” means a lessee or occupant of property, but does not include an owner;
- 1.37. “owner” includes the owner in trust, a mortgagee in possession, the person for the time being who is managing or receiving the rent of the land or premises in connection with which the land is used whether on his 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;
- 1.38. “Part IV Heritage Property” means a property designated as such pursuant to the Ontario Heritage Act;
- 1.39. “Part V Heritage Property” means a property designated as such pursuant to the Ontario Heritage Act;
- 1.40. “plumbing fixture” means a drainage system, a venting system and a water system or parts thereof;
- 1.41. “property” means a private building, accessory structure or structure or part of a building, accessory structure or structure, and includes the land and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures and fences thereon and includes vacant property;
- 1.42. “Property Standards Officer” means a person appointed by Council to administer and enforce the provisions of this by-law;
- 1.43. “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 conforms to the standards established in the by-law;
- 1.44. “residential property” means any property upon which a building or structure that is used or designed or capable for use as one or more dwelling units has been constructed and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion of which is used or designed or capable of being used for the purpose of human habitation, but does not include an agricultural property which is actively used for a farming or cultivating operation;
- 1.45. “sanitary unit” means a water closet, urinal, bidet or bedpan washer;

- 1.46. “storage area” means a room within a dwelling or dwelling unit which is non-habitable and is used or intended for use for the storage of goods or materials;
- 1.47. “storey” means that portion of a building or structure which is situated between the top of any floor and the top of the next floor above it, and in the case where there is no floor above it, that portion between the top of any floor and the ceiling above it;
- 1.48. “Town” means The Corporation of the Town of Whitby or the geographic limits of the Town of Whitby as the context requires;
- 1.49. “unsafe condition” means a condition or conditions that create a health and safety concern to persons or could potentially create a health and safety concern to persons in the opinion of a Property Standards Officer;
- 1.50. “vermin” means any non-domesticated animal that may spread disease, or cause damage or harm to humans or property, or create a nuisance condition for nearby residents;
- 1.51. “waterfront property” includes the water immediately capable of use from a property with frontage adjacent to Lake Ontario and includes a waterfront lot;
- 1.52. “yard, front” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot;
- 1.53. “yard, rear” means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot; and
- 1.54. “yard, side” means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

### **Interpretation**

- 1.55. When reading and interpreting this by-law,
- 1.55.1. unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this by-law;
  - 1.55.2. references in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted;
  - 1.55.3. this by-law shall be read with all changes in gender or number as the context requires;
  - 1.55.4. references in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable; and



- 1.55.5. the words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that follow them.

### **Severability**

- 1.56. If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

### **Compliance with Other Laws**

- 1.57. The provisions of this by-law and of the Building Code Act and the Ontario Building Code, apply to all property within the Town, and any amendments to the Building Code Act or the Ontario Building Code apply to this by-law which is written pursuant to the provisions in that legislation.
- 1.58. Nothing in this by-law requires repairs to be made to property when repairs are with respect to matters ordered under the Fire Protection and Promotion Act, the Health Protection and Promotion Act, the Environment Protection Act or any other applicable Act.
- 1.59. This by-law and the provisions contained within are intended to be complementary to the statutes referenced in Section 1.57 and to other by-laws passed by Council and in the event that any other applicable law requires a higher standard of maintenance and occupancy than this by-law requires, the higher standard shall apply.

## **2. Administration and Enforcement**

- 2.1. The provisions of this by-law may be administered and enforced by a Property Standards Officer.

### **Inspection of Property without Warrant**

- 2.2. Pursuant to the Building Code Act, a Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting a property to determine,
- 2.2.1. whether the property conforms with the standards prescribed in this by-law; or
  - 2.2.2. whether an order made under Section 2.4 or Section 2.5 of this by-law has been complied with.

### **Inspection Powers**

- 2.3. When conducting an inspection pursuant to Section 2.2 of this by-law and the Building Code Act, a Property Standards Officer may,

- 2.3.1. require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- 2.3.2. inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- 2.3.3. require information from any person concerning a matter related to a property or part thereof;
- 2.3.4. be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- 2.3.5. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs for the purposes of the inspection; and
- 2.3.6. order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in an order.

### **Orders**

2.4. Pursuant to the Building Code Act, a Property Standards Officer who finds that a property does not conform with any of the standards prescribed in this by-law may make an order,

- 2.4.1. stating the municipal address or the legal description of the property;
- 2.4.2. giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- 2.4.3. indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearing is not carried out within that time, the Town may carry out the repair or clearing at the owner's expense; and
- 2.4.4. indicating the final date for giving notice of appeal from the order.

2.5. Pursuant to the Building Code Act, if upon inspection of a property a Property Standards Officer is satisfied that there is non-conformity with the standards in this by-law to such extent as to pose an immediate danger to the health or safety of any person, a Property Standards Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

2.6. An order shall be served on the owner of the property and such other persons affected by it as a Property Standards Officer determines and a copy of the order may be posted on the property.

### **Municipal Licensing and Standards Committee**

2.7. The Council of the Town shall establish a Municipal Licensing and Standards Committee that,

- 2.7.1. subject to the Building Code Act, hears all appeals of orders issued under this by-law;
- 2.7.2. consists of no fewer than three (3) citizen members;
- 2.7.3. has its members appointed for a term equivalent to Council's term of office;
- 2.7.4. has an assigned staff member of the Town to serve the role of secretary to the committee, performing the duties and obligations required by the Building Code Act; and,
- 2.7.5. has the powers and duties prescribed by the Building Code Act.

2.8. Despite the provisions of Subsection 2.7.3., Council may, at their sole discretion, appoint members or revoke the appointment of members of the Municipal Licensing and Standards Committee, provided that a minimum of three (3) citizen members remain on the committee at all times.

### **Appeals of Orders**

2.9. Pursuant to the Building Code Act, an owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within fourteen (14) days after being served with the order.

2.10. An order that is not appealed within the time referred to in Section 2.9 shall be deemed to be confirmed.

2.11. Despite the provisions of Section 2.9, an order issued under Section 2.5 of this by-law and in accordance with the Building Code Act is not subject to appeal.

### **Offences and Penalties**

2.12. The Town may recover the costs of doing any work undertaken pursuant to Section 2.4. and 2.5. of this by-law, together with an administration charge equal to 25 percent of the total costs, to a maximum of \$5,000, from the owner or occupant by legal action or by adding the costs and administration charge to the tax roll and collecting them in the same manner as property taxes.

2.13. No person shall,

- 2.13.1. use or occupy, or allow the use or occupancy of any property which does not comply with the provisions of this by-law;
- 2.13.2. obstruct the visibility of or remove a copy of an order posted under this by-law unless authorized to do so by a Property Standards Officer;

- 2.13.3. prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by a Property Standards Officer; or
- 2.13.4. fail to comply with a Property Standards Order issued by a Property Standards Officer.
- 2.14. Every person who contravenes or fails to comply with any provision of this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$5,000 per day for each day on which the offence occurs, pursuant to the Provincial Offences Act.
- 2.15. Every person who fails to comply with an order issued under this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$50,000 for a first offence and of \$100,000 for any subsequent offences pursuant to the Building Code Act.
- 2.16. Every corporation that fails to comply with an order issued under this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$100,000 for a first offence and of \$200,000 for any subsequent offences pursuant to the Building Code Act.

### **Administrative Penalty System**

- 2.17. Every person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable to the penalty as set out in Schedule "A" to this By-law.
- 2.18. Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town's Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If a person receives an additional Penalty Notice for the same offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives a subsequent Penalty Notice for the same offence within ninety (90) calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law. If the person receives any subsequent Penalty Notices for the same offence within one hundred and eighty (180) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule "A" to this By-law.

## **3. Repair, Maintenance and Demolition Standards and Vacant Buildings (all properties)**

### **General**

- 3.1. Every owner of a building, accessory structure, structure or property shall maintain all appurtenances thereto, including all mechanical equipment in good repair, and,
- 3.1.1. in an operative condition; and
  - 3.1.2. free from any unsafe condition.

### **Structural Adequacy**

- 3.2. Every owner of a building, accessory structure, structure, radio tower, television tower, cell phone tower, solar panel or windmill shall maintain it in a structurally sound condition in good repair, so as to be capable of safely sustaining its own weight and any load to which it might be subjected through its use.

### **Repair and Maintenance Standards**

- 3.3. Every owner shall repair and maintain his property in accordance with the standards prescribed in this by-law.
- 3.4. Every owner of a building, accessory structure or structure that shows evidence of decay or deterioration shall repair or replace any materials that are decaying or deteriorating in a manner acceptable to a Property Standards Officer.
- 3.5. Every owner shall ensure that all construction, 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.
- 3.6. Every owner shall ensure that all new construction or repairs conform to the Building Code Act, Ontario Building Code, the Fire Protection and Prevention Act, the Ontario Fire Code and any other applicable law.

### **Demolition**

- 3.7. Every owner who has demolished a building, accessory structure, structure or fence shall clear the property where the building, accessory structure, structure or fence was located of all rubbish, debris, refuse, masonry, lumber and other materials and leave the property in a graded and level condition.
- 3.8. Every owner who has partially demolished a building, accessory structure or structure shall,
- 3.8.1. maintain the remaining portion of the building, accessory structure or structure in compliance with all requirements of this by-law;
  - 3.8.2. parge or otherwise treat the walls of the building, accessory structure or structure to prevent the entrance of water into the building, accessory structure or structure; and
  - 3.8.3. ensure that all parge or similar treatments are applied in a manner that presents a neat and uniform appearance, free from the outlines of partitions, stairs, doors, floors and from areas of multi-coloured paint or wallpaper.

## **Demolition Process**

3.9. Every owner who is demolishing or partially demolishing a building, accessory structure or structure shall,

- 3.9.1. take every precaution to protect neighbouring property;
- 3.9.2. take every precaution to protect members of the public; and
- 3.9.3. if necessary to protect neighbouring property or members of the public, erect fences, barricades, covered ways for pedestrians and any other means of protection.

## **Fire and Storm Damage**

3.10. Every owner of a building, accessory structure or structure that is damaged by fire, storm or other causes shall,

- 3.10.1. take immediate steps to prevent or remove any condition that may endanger persons on or near the property;
- 3.10.2. properly support and/or barricade the building or structure until necessary repairs or a demolition can be carried out;
- 3.10.3. repair the building or structure as soon as is practicable;
- 3.10.4. remove any smoke damage or other defacement from the exterior walls of the building or structure; and
- 3.10.5. if necessary, demolish the building as soon as is practicable.

## **Vacant Buildings**

3.11. Every owner of a building, accessory structure or structure that is vacant shall maintain all utility connections in good repair and working order or secure all utility supplies, including the drainage of all water from water pipes from the building, accessory structure or structure to prevent damage to the building, accessory structure or structure or to neighbouring property.

3.12. Every owner of a vacant building, accessory structure or structure shall,

- 3.12.1. effectively secure the building, accessory structure or structure from entry by trespassers in accordance with such standards as may be directed by the Town from time to time;
- 3.12.2. in the case where boards or similar materials are used to secure openings to the building, accessory structure or structure, all boards and similar materials shall be covered and maintained with paint or preservative that presents a complimentary appearance to the colour of the exterior finish of the building, accessory structure or structure;

- 3.12.3. protect the building, accessory structure or structure from the risk of fire, accident, the entrance of the elements, infestation of vermin or any unsafe condition;
- 3.12.4. inspect or cause to have inspected the building, accessory structure or structure at least once every thirty (30) days to ensure that the building, accessory structure or structure complies with the provisions of this by-law; and,
- 3.12.5. if the building, accessory structure, or structure is vacant, unused, or unoccupied by legal residents, then the building, accessory structure or structure shall either:
  - (a) be prepared for use and occupancy and be so occupied immediately; or,
  - (b) be removed from the property, in accordance with the Town's requirements for demolition, and the property shall be cleared of all buildings, structures, debris and refuse, and left in a graded and levelled condition.

The provisions in clause 3.12.5.(b) shall not apply to buildings or properties that contain heritage attributes that have been identified by the Town through a designation, listing, heritage conservation plan, or other provision under the Ontario Heritage Act.

- 3.13. For properties where heritage attributes have been identified by the Town, the provisions of Section 13 shall take precedence over the provisions of clause 3.12.2., in order to protect the heritage attributes of the property.

#### **4. Yards and Properties (all properties)**

##### **Maintenance of Yards**

- 4.1. Every owner of property shall maintain the lot or property in good condition and free from,
  - 4.1.1. garbage, rubbish, brush, discarded material and other debris;
  - 4.1.2. long grass and weeds in excess of fifteen (15) centimetres, which is equivalent to six inches (6");
  - 4.1.3. a hedge, located in a front yard in excess of one (1) metre in height, which is equivalent to three feet three inches (3'3"), except where a rear yard or an exterior side yard of a property abuts the front yard of another property the maximum hedge height shall be 3.0 metres, which is equivalent to nine feet nine inches (9'9") unless the property owner has provided a report from a Certified Arborist, to the Property Standards Officer's satisfaction, that identifies that the affected hedge cannot survive the trimming or pruning necessary to bring it into conformity with this section;

- 4.1.4. a hedge, in a side yard or rear yard in excess of 3.0 metres in height, which is equivalent to nine feet nine inches (9'9"), unless the property owner has provided a report from a Certified Arborist, to the Property Standards Officer's satisfaction, that identifies that the affected hedge cannot survive the trimming or pruning necessary to bring it into conformity with this section;
  - 4.1.5. shrubs that are dead, decayed shrubs, or shrubs that require pruning;
  - 4.1.6. trees that are dead, decayed trees, or trees that require pruning;
  - 4.1.7. tree branches which are dead and require pruning;
  - 4.1.8. wrecked, discarded, dismantled, partially dismantled or abandoned machinery, motors, recreational vehicles, trailers, mobile homes or other chattels or parts thereof;
  - 4.1.9. inoperative motor vehicles;
  - 4.1.10. motor vehicles that do not have current and valid licence plates attached to the vehicle unless such vehicles are covered by a fitted vehicle cover which is maintained in a good condition;
  - 4.1.11. uncapped wells or wells that have a cap that is not constructed of a structurally sound material such as concrete or a similar material capable of preventing the accidental entry of persons into the well;
  - 4.1.12. holes, pits, excavations, trenches or ditches that could present a hazard;
  - 4.1.13. injurious insects, rodents, or vermin or any conditions that may result in the harbouring of the same;
  - 4.1.14. any unsafe condition; and
  - 4.1.15. "noxious weeds", as such term is defined and designated under the Weed Control Act, R.S.O. 1990, c. W.5, as amended and its regulations, including such plant species that are so designated by the Regional Municipality of Durham pursuant to s. 10 of the Weed Control Act, R.S.O. 1990, c. W.5, as amended.
- 4.2. Every owner of property shall ensure that the lot or property is protected with ground cover to prevent the erosion of soil.

### **Exemptions (Maintenance of Yards)**

- 4.3. Section 4.1.1 of this by-law does not apply to the owner of a property when any garbage, rubbish, brush, discarded material or other debris is stored in suitable, clean receptacles for regular waste collection by the Town in accordance with Section 4.8 of this by-law and in accordance with the provisions contained in the Town of Whitby Waste Management By-law.



- 4.4. Section 4.1.8 through 4.1.10 of this by-law does not apply to the owner of a property when any wrecked, discarded, dismantled, partially dismantled or abandoned machinery, motor, vehicles, recreational vehicles, trailers, mobile home or other chattels or parts thereof are on a property where they are required and used for a lawful business purpose in accordance with the Town's Zoning By-laws and any other applicable legislation.
- 4.5. Section 4.1.2 and Section 4.2 of this by-law do not apply to the owner of an agricultural property that is cultivated and is being actively used for agricultural purposes.
- 4.6. Section 4.1.2 through 4.1.7, inclusive, of this by-law do not apply to the owner of a naturalized property.

### **Refuse Storage and Disposal**

- 4.7. Every owner and occupant of a property shall provide sufficient receptacles and/or barriers to contain all garbage, rubbish, discarded materials and other debris that may accumulate on his property between regularly scheduled waste collection days and to prevent such material from encroaching onto neighbouring property.
- 4.8. Every owner and occupant of a property shall provide and maintain garbage and waste collection receptacles which shall be,
- 4.8.1. watertight;
  - 4.8.2. manufactured to prevent the entry of rodents;
  - 4.8.3. provided with a tight fitting cover which shall be kept closed at all times except when garbage, rubbish, discarded materials and other debris are being placed within;
  - 4.8.4. maintained in a clean and sanitary condition;
  - 4.8.5. stored in the rear yard or the side yard, and shall be stored in such a manner that it is not visible from the street frontage of the property; and
  - 4.8.6. made available for prompt removal in accordance with the provisions of the Town of Whitby Waste Management By-law and the Region of Durham Waste Management By-law.
- 4.9. Every owner of a property shall ensure that all refrigerators or freezers placed on the exterior of a building on a lot or property are either securely locked or the hinges of the refrigerator or freezer door are removed.

### **Exceptions (Refuse Storage and Disposal)**

- 4.10. Section 4.8.1 through 4.8.3 inclusive, and Section 4.8.5 do not apply to an owner of a building when all on-site garbage and waste is stored within a building, garage or accessory structure.

### **Retaining Walls**

4.11. Every owner of a property shall maintain all retaining walls on the property in good repair and,

- 4.11.1. free from any deteriorated, damaged, misaligned or missing parts;
- 4.11.2. free from any significant masonry cracks which may affect the structural stability of the retaining wall;
- 4.11.3. free from graffiti;
- 4.11.4. free from loose or unsecured objects;
- 4.11.5. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
- 4.11.6. in the case of any wooden or metal components, free from any loose or chipping paint or stain;
- 4.11.7. equipped with any handrails and guards as required by the provisions of the Ontario Building Code; and
- 4.11.8. free from any unsafe condition.

### **Fences**

4.12. Every owner of a property shall maintain any fences on the property in good repair and,

- 4.12.1. free from any deteriorated, damaged, misaligned or missing parts;
- 4.12.2. free from graffiti;
- 4.12.3. free from loose or unsecured objects;
- 4.12.4. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
- 4.12.5. free from any loose or chipping paint or stain;
- 4.12.6. in accordance with the maximum height provisions, construction and maintenance provisions in the Town of Whitby Fence By-law, and
- 4.12.7. free from any unsafe condition.

### **Parking Areas**

4.13. Every owner of a property that is used for vehicular traffic or parking, including driveways, loading areas and bays, shall,

- 4.13.1. maintain the grade and drains in the parking area to prevent excessive ponding of water;

- 4.13.2. provide and maintain light fixtures to the parking area that provides a level of lighting necessary to maintain safety and security commensurate with the use of the property;
- 4.13.3. provide curb stops or other restraining devices where necessary, to prevent vehicles from damaging fences, lamp standards, or other structures on the parking area or neighbouring property;
- 4.13.4. surface the area for vehicular traffic or parking with an appropriate material for the use, such as gravel, asphalt, concrete or crushed stone;
- 4.13.5. maintain the surface in a state of good repair, free of pot holes, large cracks, ruts or other hazards; and
- 4.13.6. provide and maintain effective barriers to prevent the light from vehicle headlights from shining directly into a dwelling unit on neighbouring property.

#### **Exceptions (Parking Areas)**

- 4.14. Section 4.13.6 does not apply to the owner of a property with respect to vehicles entering, exiting or parking on a driveway.

#### **Public Use Areas**

- 4.15. Every owner of a property shall maintain exterior steps, walkways, loading docks, ramps, parking spaces, driveways and similar areas of a property in good repair, and,
  - 4.15.1. free from obstructions or conditions that prevent the passage of pedestrians; and
  - 4.15.2. free from any unsafe condition.

#### **Balconies, Porches, Decks, Stairs, Platforms and Fire Escapes**

- 4.16. Every owner of a property shall maintain any balcony, porch, deck, stairs, platform or fire escape in good repair, and,
  - 4.16.1. in a clean and sanitary condition;
  - 4.16.2. properly and safely anchored and secured;
  - 4.16.3. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
  - 4.16.4. free from any loose or chipping paint or stain;
  - 4.16.5. free from loose or unsecured objects;
  - 4.16.6. free from any missing or damaged boards;

4.16.7. equipped with any stairs, handrails and guards as required by the provisions of the Ontario Building Code; and

4.16.8. free from any unsafe condition.

### **Awnings, Canopies, Marquees and Signs**

4.17. Every owner of a property shall maintain any awning, canopy, marquee, sign or similar equipment in good repair, and,

4.17.1. in a clean and sanitary condition;

4.17.2. properly and safely anchored and secured;

4.17.3. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;

4.17.4. free from any loose or chipping paint or stain;

4.17.5. free from loose or unsecured objects; and

4.17.6. free from any unsafe condition.

### **Swimming Pools, Hot Tubs and Ornamental Ponds**

4.18. Every owner of a property shall maintain any swimming pool, wading pool, hot tub, ornamental pond and any appurtenance thereto in good repair, and free from any unsafe condition.

4.19. Every owner of a property which contains a derelict or abandoned swimming pool, wading pool, hot tub or ornamental pond shall,

4.19.1. in the case of a hot tub or wading pool, drain and remove the hot tub or wading pool from the exterior of the property; and

4.19.2. in the case of a swimming pool or ornamental pond, drain and fill the swimming pool or ornamental pond and leave the property in a graded and leveled condition.

4.20. Every owner of a property that contains a swimming pool, wading pool, hot tub or ornamental pond shall provide all fences, gates and hardware as required by the provisions of the Town of Whitby Fence By-law and shall maintain all fences, gates and hardware in good repair and in accordance with the provisions of the Fence By-law.

### **Grading and Drainage**

4.21. Every owner of a property shall ensure that the grading and drainage on the property,

4.21.1. prevents the excessive or recurrent ponding of water;

4.21.2. prevents water or moisture from penetrating or damaging a building or structure; and

- 4.21.3. does not interfere with the proper functioning of a swale, ditch, culvert, catch basin or other drainage system.
- 4.22. Every owner of a property shall ensure that the drainage from roofs, rainwater pipes, sump pumps, water softeners, air conditioners, water-cooled equipment, swimming pools, pool pumps, hot tubs, wading pools and ornamental ponds is not discharged onto,
- 4.22.1. an entranceway;
  - 4.22.2. a walkway;
  - 4.22.3. a stair or staircase;
  - 4.22.4. a sidewalk; or
  - 4.22.5. an impervious road allowance.
- 4.23. Every owner of a property shall ensure that the drainage from roofs, rainwater pipes, sump pumps, water softeners, air conditioners, water-cooled equipment, swimming pools, pool pumps, hot tubs, wading pools and ornamental ponds is not discharged directly onto a neighbouring property.
- 4.24. In addition to the standards contained in Section 4.22 and Section 4.23, every owner of a property shall ensure that the discharge of cooling water from all water-cooled equipment is made to a proper drainage system and that the connections to the drainage system comply with all applicable government regulations.

#### **Exemptions (Grading and Drainage)**

- 4.25. Section 4.22.5 does not apply to an owner of a property who drains a swimming pool, hot tub, wading pool or ornamental pond onto an impervious road allowance provided that the water being drained reaches a storm sewer, does not create an unsafe condition and complies with the provisions of all other by-laws.

#### **Exterior Lighting and Supports**

- 4.26. Every owner of a property shall maintain all exterior lighting and supports in good repair, and,
- 4.26.1. properly and safely anchored and secured;
  - 4.26.2. in proper working order;
  - 4.26.3. free from loose or unsecured objects; and
  - 4.26.4. free from any unsafe condition.
- 4.27. Every owner of a property shall provide and maintain effective barriers to prevent light from exterior lights and light standards from shining directly into a dwelling unit on neighbouring properties.

### **5. Building Exteriors (all properties)**

## **Exterior Walls**

5.1. Every owner of a building, accessory structure or structure shall maintain the exterior walls of a building or structure in good repair, and,

- 5.1.1. free from cracked or broken masonry units or defective, deteriorated, damaged or broken siding, trim or stucco;
- 5.1.2. in a watertight condition;
- 5.1.3. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
- 5.1.4. in a manner that prevents the entry of injurious insects, rodents, or vermin;
- 5.1.5. free from any loose or chipping paint or stain;
- 5.1.6. free of graffiti;
- 5.1.7. free from smoke damage or other defacement;
- 5.1.8. free from loose or unsecured objects; and
- 5.1.9. free from any unsafe condition.

## **Exterior Openings**

5.2. Every owner of a building, accessory structure or structure shall maintain all exterior doors, windows and skylights in good repair, and,

- 5.2.1. free from cracked or broken glass, plastic or similar materials;
- 5.2.2. free from rotting, defective or missing materials, hardware, weather-stripping, caulking, frames, sashes and casings;
- 5.2.3. free from broken or torn screens;
- 5.2.4. in a watertight condition;
- 5.2.5. in a manner that prevents the entry of injurious insects and rodents;
- 5.2.6. in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
- 5.2.7. free from any loose or chipping paint or stain;
- 5.2.8. free of graffiti;
- 5.2.9. free from smoke damage or other defacement;
- 5.2.10. free from loose or unsecured objects; and
- 5.2.11. free from any unsafe condition.

5.3. Every owner of a building, accessory structure or structure shall ensure that all repairs, maintenance and refinishing work required for any exterior walls, cladding and openings are completed in such a manner so as to maintain a uniform and neat appearance with the surrounding walls, cladding or openings of the building or structure.

### **Exemptions (Exterior Walls and Openings)**

5.4. Section 5.1.2 through 5.1.4 inclusive, and Section 5.2.4 through 5.2.6 do not apply to the owner of accessory structures, barns, silos and structures intrinsic to the operation of a farm on an agricultural property that is actively being used for agricultural purposes.

5.5. Section 5.2.4 and Section 5.2.5 do not apply to the owner of a non-residential building should the owner be able to demonstrate to a Property Standards Officer that the application of Section 5.2.4 or 5.2.5 would adversely affect the normal operation carried out within the non-residential building.

### **Roofs and Eaves**

5.6. Every owner of a building, accessory structure or structure shall maintain the roof, eaves troughs, roof gutters and rainwater pipes of the building, accessory structure or structure in good repair, and,

5.6.1. watertight;

5.6.2. free from loose or unsecured objects;

5.6.3. free from dangerous accumulations of snow or ice or both;

5.6.4. free from obstructions in the roof gutters, eaves troughs and rainwater pipes;

5.6.5. where metal eaves troughs, rainwater pipes, flashings or exterior ducts are used, protected by a coat of paint or equivalent preservative and free from any loose or chipping paint; and

5.6.6. free from any unsafe condition.

### **Foundations**

5.7. Every owner of a building, accessory structure or structure shall maintain its foundations and supporting sills, piers or posts, the foundation walls, basement or crawl space in good repair, and,

5.7.1. structurally sound;

5.7.2. in a manner that prevents the entry of rodents;

5.7.3. watertight;

5.7.4. in a manner that prevents the settlement or sagging of the building; and

5.7.5. free from any large, unrepaired masonry cracks.

## **6. Building Interiors (all properties)**

### **Floors**

6.1. Every owner of a building, accessory structure or structure shall maintain the floors in good repair, and,

- 6.1.1. reasonably smooth and level;
- 6.1.2. free from warped or decayed boards;
- 6.1.3. free from large cracks, depressions or protrusions;
- 6.1.4. free from deterioration; and
- 6.1.5. free from any unsafe condition.

6.2. Every owner of a building shall maintain floor coverings in good repair, and,

- 6.2.1. free from worn, torn, damaged or holed parts in which dirt may collect or which may create a trip hazard; and
- 6.2.2. free from any unsafe condition.

### **Heating and Ventilation**

6.3. Every owner of a building, accessory structure or structure utilizing a heating system shall construct, install and maintain heating equipment, chimneys, vents, pipes, exhaust hoods, smoke stacks, flues, ducts and similar equipment in good repair, and,

- 6.3.1. free from obstructions;
- 6.3.2. in accordance with applicable government regulations;
- 6.3.3. in a manner that does not obstruct the free passage of persons within the building or structure;
- 6.3.4. in a manner that does not heat adjacent combustible materials, walls and structural members to unsafe temperatures;
- 6.3.5. in a manner that does not allow the entrance of smoke or gases into the building or structure;
- 6.3.6. free from any unsealed joints or broken or loose masonry;
- 6.3.7. in the case of prefabricated chimneys or flues, in a manner and type suitable for the appliance or equipment for which it is being used; and
- 6.3.8. free from any unsafe condition.



6.4. In addition to the provisions of Section 6.3 every owner of a building, accessory structure or structure utilizing a heating system which burns solid or liquid fuel shall,

- 6.4.1. provide and maintain a place or receptacle for the fuel in a location that is convenient and free from any unsafe condition;
- 6.4.2. connect the heating system to a chimney, flue or gas vent which leads to the exterior of the building or structure in which the equipment is installed; and
- 6.4.3. supply the equipment with an adequate supply of air to ensure proper combustion of the fuel in accordance with all applicable government regulations.

6.5. Every owner of a building, accessory structure or structure that contains a room in which plumbing fixtures are installed or a locker room, shall ventilate the room through natural ventilation by means of openings directly to the outside air or by means of mechanical ventilation which provides a complete change of air within the room at least once per hour.

## **Plumbing**

6.6. Every owner of a building, accessory structure or structure that contains a room in which plumbing fixtures are installed shall,

- 6.6.1. maintain the room with walls and ceilings that are treated with a smooth surface which is reasonably impervious to water and resistant to chipping or cracking; and
- 6.6.2. maintain the room free from any loose or chipping paint.

6.7. Every owner of a building, accessory structure or structure shall maintain every connecting line from plumbing fixtures to the sewage system in good repair and free from leaks or defects.

6.8. Every owner of a building, accessory structure or structure shall ensure that all sewage waste pipes are connected and discharged into an approved sewage system.

6.9. Every owner of a building, accessory structure or structure shall maintain all water pipes, drainpipes and appurtenances to them in a manner that protects them from freezing.

## **7. Residential Properties**

### **Compost Heaps**

7.1. An owner of a residential property may provide for a compost heap or bin, provided that the compost heap or bin complies with the provisions of Section 7.2.

7.2. Every owner of a residential property that contains a compost heap or bin shall,

- 7.2.1. maintain the compost heap or bin so that it does not exceed a size of one (1) cubic metre, which is equivalent to thirty-five (35) cubic feet;
- 7.2.2. maintain the compost heap or bin so that it does not exceed a height of one point eight (1.8) metres, which is equivalent to six feet (6');;
- 7.2.3. enclose the compost heap or bin on all sides with concrete block, lumber, or in a metal frame building with a concrete floor, or in an enclosed commercial container designed for composting;
- 7.2.4. locate the compost heap or bin in a rear yard or interior side yard at least zero point six (0.6) metres, which is equivalent to two feet (2'), from the property lines;
- 7.2.5. maintain the compost heap or bin in a secure condition to prevent the entry of rodents or other animals; and
- 7.2.6. provide a tight fitting cover for the compost heap or bin which shall be kept closed at all times except when material is being placed therein.

### **Outdoor Storage**

7.3. Every owner of a residential property shall maintain the property free from objects, materials or conditions not associated with the normal occupancy and use of a residential property, including;

- 7.3.1. machinery;
- 7.3.2. derelict vehicles;
- 7.3.3. derelict appliances;
- 7.3.4. paper, cartons and boxes; and
- 7.3.5. building materials such as lumber and glass.

### **Exemptions (Outdoor Storage)**

7.4. Section 7.3.5 does not apply to the owner of a residential property provided that building materials are intended for immediate use on the property.

## **8. Waterfront Properties**

### **Property Maintenance**

8.1. Every owner of a waterfront property shall maintain the waterfront property free from vehicles, trailers, boats, ships, barges or mechanical equipment that is in a wrecked, dismantled, discarded or inoperative condition or is not in good repair.

## **9. Dwelling Units**

### **Walls and Ceilings**

9.1. Every owner of a dwelling unit shall maintain every wall and ceiling in the dwelling unit in good repair, and,

- 9.1.1. free from large holes or cracks;
- 9.1.2. free from loose plaster or other material which is in such condition that it may fall or cause the building or structure to collapse; and
- 9.1.3. repairs shall be conducted in such a manner so as to reasonably match the finish of the existing wall or ceiling.

### **Doors and Exits**

9.2. Every owner of a dwelling unit shall maintain interior doors and frames in good repair, and,

- 9.2.1. in a condition that ensures the proper operation of the door; and
- 9.2.2. with properly functioning hardware.

9.3. Every owner of a dwelling unit shall provide and maintain all doors that connect the dwelling unit to the exterior or to an entrance or exit system shared in common with other dwelling units in a state of good repair, and,

- 9.3.1. with properly functioning locking devices;
- 9.3.2. in a manner that provides the occupants of the dwelling unit with a reasonable degree of privacy;
- 9.3.3. in a manner that provides the occupants of the dwelling unit with a reasonable degree of safety; and
- 9.3.4. in a manner that prevents the entry of drafts into the dwelling unit.

9.4. Every owner of a dwelling unit shall maintain a means of egress from the dwelling unit that is in good repair, and,

- 9.4.1. free from any obstruction or unsafe condition;
- 9.4.2. leads from the interior of the dwelling unit to the outside at street or grade level; and
- 9.4.3. is direct, passing through no other dwelling units.

### **Heating**

9.5. Every owner of a dwelling unit shall supply the dwelling unit with a heat source that is in good repair, and,

- 9.5.1. provides adequate and suitable heat between October 1 and May 31;
- 9.5.2. is installed and maintained in accordance with all applicable government regulations; and

9.5.3. is free from any unsafe condition.

### **Plumbing**

9.6. Every owner of a dwelling unit shall supply the dwelling unit with a water closet, a wash basin, a kitchen sink and a bathtub or shower and,

- 9.6.1. all plumbing fixtures, including grey water receptors shall be connected to an approved sewage system, save and except composting toilets as described by the Ontario Building Code;
- 9.6.2. in the case of a water closet, the water closet must be located within and be accessible from within the dwelling unit; and
- 9.6.3. in the case of a water closet, the water closet must be located and equipped to afford privacy to persons using the water closet.

9.7. Every owner of a dwelling unit shall maintain all plumbing, drainpipes, water pipes and plumbing fixtures and the appliances associated with them, within the dwelling unit, in good repair, and,

- 9.7.1. in working condition; and
- 9.7.2. in compliance with all applicable government regulations.

9.8. Every owner of a dwelling unit shall provide the sinks, laundry facilities, wash basins, bathtubs and showers within the dwelling unit with,

- 9.8.1. an adequate and suitable supply of potable water from a source approved by the Regional Municipality of Durham;
- 9.8.2. adequate and suitable hot water from a source approved by the Regional Municipality of Durham; and
- 9.8.3. a water supply and drain requirements that comply with the Ontario Building Code.

9.9. Every owner of a dwelling unit shall provide the plumbing fixtures and sanitary units within the dwelling unit with an adequate and suitable supply of running water.

### **Electrical Supply**

9.10. Every owner of a dwelling unit shall connect and maintain the connection to an adequate electrical supply system, and,

- 9.10.1. wire the dwelling unit for electricity in accordance with all applicable government regulations; and
- 9.10.2. maintain all wiring and electrical equipment free from any unsafe condition.

### **Lighting**

9.11. Every owner of a dwelling unit shall provide and maintain adequate artificial light in all rooms, stairways, halls, storage areas, garages and basements within the dwelling unit.

### **Disconnecting Utilities**

9.12. Every owner or occupant of an occupied dwelling unit shall provide and maintain any service or utility which provides light, heat, refrigeration, water or cooking facilities to the occupied dwelling unit.

### **Exemptions (Disconnecting Utilities)**

9.13. Section 9.12 does not apply to an owner of an occupied dwelling unit who,

9.13.1. temporarily and for a reasonable period of time disconnects a service or utility for the purpose of a repair; and

9.13.2. temporarily and for a reasonable period of time disconnects a service or utility for the purpose of replacing or altering the service or utility.

9.14. Section 9.12 does not apply to the owner of an occupied dwelling when an occupant who is liable and responsible for paying the rates for a service or utility fails to pay the rates, which results in the service or utility being disconnected.

### **Rodents and Injurious Insects**

9.15. Every owner of a dwelling unit shall maintain the dwelling unit so that it is free of rodents and injurious insects and free from conditions which may encourage infestation by rodents and injurious insects.

9.16. Every owner of a dwelling unit shall screen every opening in an exterior wall of a dwelling unit which is not protected by a door or window with wire mesh, metal grille or other suitable material to protect the dwelling unit from the entry of rodents and injurious insects.

## **10. Occupant Standards and Habitable Rooms**

### **Duties of Occupants**

10.1. Every occupant of a dwelling unit shall,

10.1.1. maintain all plumbing, plumbing fixtures, cooking and refrigerating appliances and fixtures in the dwelling unit in a clean and sanitary condition;

10.1.2. maintain all storage facilities in the dwelling unit in a clean and sanitary condition;

10.1.3. maintain the dwelling unit in a clean and sanitary condition;

10.1.4. maintain the dwelling unit so that it is free of rodents and injurious insects;

- 10.1.5. maintain the dwelling unit free from conditions which may encourage infestation by rodents and injurious insects; and
- 10.1.6. ensure that all areas or rooms of the dwelling unit used for sleeping are habitable rooms, provided however that no kitchen, bathroom or hallway is used as a sleeping area or bedroom.

### **Habitable Rooms**

- 10.2. Every owner of a dwelling unit shall equip the windows of the dwelling unit with safety devices which meet the requirements of the Ontario Building Code.
- 10.3. Every owner of a dwelling unit shall ensure that all habitable rooms contained in a dwelling unit have room heights and sizes that conform to the Ontario Building Code.
- 10.4. Every owner of a dwelling unit shall install and maintain in every habitable room in a dwelling unit, except a kitchen, an outside window or a unobstructed glass area within a door which is in good repair, and,
  - 10.4.1. if designed to open, is easily able to open and close at all times; and
  - 10.4.2. is provided with suitable hardware, screens and effective locking devices.
- 10.5. Every owner of a dwelling unit shall provide all habitable rooms within the dwelling unit with adequate ventilation and where an air conditioning system or mechanical ventilation system is used for ventilation, the owner shall maintain the system in good repair.

## **11. Multiple Unit Dwellings and Mixed-Use Buildings**

### **Maintenance of Common Areas**

- 11.1. Every owner of a multiple unit dwelling or a mixed-use building shall maintain the shared-use or common areas and elements of the multiple unit dwelling or mixed-use building, including all floors, walls, ceilings, staircases and landings in good repair, and,
  - 11.1.1. in a clean and sanitary condition;
  - 11.1.2. free from large holes or cracks;
  - 11.1.3. free from loose plaster or other material which is in such condition that it may fall or cause the building or structure to collapse;
  - 11.1.4. free from discarded or unused material;
  - 11.1.5. free from rubbish or debris;
  - 11.1.6. free from graffiti or other defacement; and

- 11.1.7. all repairs shall be conducted in such a manner so as to reasonably match the finish of the existing floor, wall, ceiling, staircase or landing.
- 11.2. Every owner of a multiple unit dwelling or mixed-use building shall maintain any shared-use or common area furnishings, fixtures and appliances in good repair, and,
- 11.2.1. in a clean and sanitary condition; and
  - 11.2.2. free from graffiti or other defacement.
- 11.3. Every owner of a multiple unit dwelling or mixed-use building shall maintain the windows, glass doors and other transparent surfaces in the shared-use or common areas in good repair, and,
- 11.3.1. free from cracked or broken glass, plastic or similar materials;
  - 11.3.2. free from rotting, defective or missing materials, hardware, weather-stripping, caulking, frames, sashes and casings;
  - 11.3.3. free from broken or torn screens;
  - 11.3.4. free from any loose or chipping paint or stain;
  - 11.3.5. free of graffiti or other defacement;
  - 11.3.6. free from loose or unsecured objects; and
  - 11.3.7. free from any unsafe condition.
- 11.4. Every owner of a multiple unit dwelling or mixed-use building shall equip all windows located above the first storey in shared-use or common areas with safety devices which meet the requirements of the Ontario Building Code.

### **Safety and Security**

- 11.5. Every owner of a multiple unit dwelling or mixed-use building shall ensure that doors used as a shared-use or common entrance or exit from the multiple unit dwelling or mixed-use building, including doors in a garage that are not available for use by the general public,
- 11.5.1. are kept closed and locked;
  - 11.5.2. are equipped with self-closing and self-locking mechanisms; and
  - 11.5.3. are not secured in an open position, except in the case of an emergency situation.
- 11.6. Every owner of a multiple unit dwelling or mixed-use building shall ensure that every shared-use or common exit door from a multiple unit dwelling or mixed-use building, including exit doors in a garage or storage area are designed,
- 11.6.1. to be readily opened without the use of a key; and

11.6.2. to open in the direction of exit travel.

11.7. Every owner of a multiple unit dwelling or mixed-use building shall ensure that any latches or similar devices installed on an exit door is easily identified and operated, even in darkness.

11.8. Every owner of a multiple unit dwelling or mixed-use building shall take every reasonable precaution to prevent unauthorized persons from entering the multiple unit dwelling or mixed-use building, private garage or other private building or structure.

11.9. Every owner of a multiple unit dwelling or mixed-use building who has installed a voice communications system between a dwelling unit and the front lobby or a voice communications system that controls a door lock and release mechanism shall maintain the voice communications system in good repair and operative condition.

### **Refuse Storage and Garbage Rooms and Chutes**

11.10. Every owner of a multiple unit dwelling or mixed-use building shall maintain every garbage and recycling chute, disposal room, storage area, container or receptacle in good repair, and,

11.10.1. in a clean and sanitary condition;

11.10.2. washed and disinfected;

11.10.3. in a reasonably odour free condition;

11.10.4. free from any health hazard;

11.10.5. free from rodents or injurious insects or conditions that may encourage the harbouring of rodents or injurious insects; and

11.10.6. free from the excessive accumulation of garbage and refuse.

11.11. Every owner of a multiple unit dwelling or mixed-use building shall ensure that every garbage and recycling disposal room, storage area, container or receptacle is not used for the long-term storage of garbage, refuse or recycling and shall increase the frequency of garbage and/or recycling collections as necessary to prevent the long-term storage of garbage, refuse or recycling.

11.12. Every owner of a multiple unit dwelling or mixed-use building that does not have a garbage or recycling disposal room shall provide containers or receptacles that are large enough to contain all garbage, refuse or recycling generated by the multiple unit dwelling between collection periods.

### **Ventilation**

11.13. Every owner of a multiple unit dwelling or mixed-use building shall maintain adequate ventilation to all laundry rooms, garbage and recycling storage rooms, corridors, boiler rooms, storage areas, garages and all parts of the building or structure used by the public or by the occupants as a shared-use or common



area in good repair, and, in the case where a system of mechanical ventilation or air condition is used to provide the ventilation, the owner of the multiple unit dwelling or mixed-use building shall maintain it in an operative condition.

### **Parking Areas**

- 11.14. Every owner of a property that contains three (3) or more dwelling units shall maintain all parking areas, driveways and aisles free of dangerous accumulations of ice or snow.

### **Separations**

- 11.15. Every owner of a mixed-use building or structure which is occupied by a use that generates or could generate noxious fumes, odours or gases shall provide gas-tight surfaces separating the residential portion of the building or structure from the non-residential portion of the building or structure to effectively prevent the passage of noxious fumes, odours or gases through the separation.
- 11.16. Every owner of a mixed-use building or structure shall ensure that plumbing fixtures installed in connection with the non-residential portion of the building or structure and plumbing fixtures available for use by members of the public are separate from the plumbing fixtures used by the residential portion of the building or structure.

### **Duties of Owners and Occupants**

- 11.17. Every owner and every occupant of a mixed-use building or structure shall maintain the property,
- 11.17.1. in a clean and sanitary condition;
  - 11.17.2. free from injurious insects, rodents, or vermin; and
  - 11.17.3. free from any unsafe condition.

### **Disconnecting Utilities**

- 11.18. Every owner or occupant of a mixed-use building or structure shall maintain any service or utility which provides light, heat, refrigeration, water or cooking facilities serving any occupied residential portion of the building or structure.

### **Exemptions (Disconnecting Utilities)**

- 11.19. Section 11.18 does not apply to an owner or occupant of a mixed-use building or structure who,
- 11.19.1. temporarily and for a reasonable period of time disconnects a service or utility for the purpose of a repair; or
  - 11.19.2. temporarily and for a reasonable period of time disconnects a service or utility for the purpose of replacing or altering the service or utility.

- 11.20. Section 11.18 does not apply to the owner of an occupied dwelling when an occupant who is liable and responsible for paying the rates for a service or utility fails to pay the rates, which results in the service or utility being disconnected.

## **12. Non-Residential Buildings**

### **Walls, Ceilings, Stairs and Floors**

- 12.1. Every owner of a non-residential building or structure shall maintain the interior walls, floors, stairs and ceilings of the non-residential building or structure in good repair, and,

12.1.1. free from holes, large cracks, broken plaster and loose or broken masonry; and

12.1.2. in a clean and sanitary condition which is reasonable when considering the use or operation conducted in the area.

### **Plumbing**

- 12.2. Every owner of a non-residential building or structure shall maintain all drainpipes, water pipes, connecting lines to the sewage system and appurtenances thereto in good repair, and,

12.2.1. free from leaks and defects;

12.2.2. protected from freezing; and

12.2.3. in accordance with all applicable government regulations.

- 12.3. Every owner of a non-residential building or structure shall maintain all plumbing fixtures in good repair, and,

12.3.1. free from leaks and defects;

12.3.2. protected from freezing;

12.3.3. in a clean and sanitary condition;

12.3.4. in the case of a sanitary unit, located and enclosed so as to be easily accessible to, and provide privacy for, persons using the sanitary unit;

12.3.5. connected to an approved sewage system;

12.3.6. provided with an adequate and suitable supply of potable water from a source approved by the Regional Municipality of Durham;

12.3.7. in the case of fixtures such as washbasins, dishwashers, showers and other fixtures for which hot water is required, provided with an adequate and suitable supply of hot water from a source approved by the Regional Municipality of Durham; and

12.3.8. in accordance with all applicable government regulations.

### **Heating**

12.4. Every owner of a non-residential building or structure who provides a heating system shall maintain the system in good repair, and,

12.4.1. in working condition; and

12.4.2. free from any unsafe condition.

### **Electricity**

12.5. Every owner of a non-residential building or structure shall maintain a connection to an electrical supply system that,

12.5.1. is in good repair;

12.5.2. is properly wired for the delivery of electricity;

12.5.3. provides an adequate supply of electrical power for the existing use of the building or structure;

12.5.4. is installed and maintained in accordance with all applicable government regulations; and

12.5.5. is free from any unsafe condition.

### **Lighting**

12.6. Every owner of a non-residential building or structure shall provide, in good working order and at all times, in all stairways, halls, passageways, furnace rooms, boiler rooms and rooms in which plumbing fixtures are installed with adequate artificial lighting.

12.7. Every owner of a non-residential building or structure shall provide, in good working order and at all times, all parts of the building or structure with a level of artificial illumination that will adequately protect all persons within the building or structure from health and accident hazards.

### **Ventilation**

12.8. Every owner of a non-residential building or structure shall maintain all mechanical ventilating equipment and supports in good repair and free from any unsafe condition.

### **Parking Areas**

12.9. Every owner of a non-residential property shall maintain all parking areas, driveways and aisles free of dangerous accumulations of ice or snow.

## **13. Heritage Properties**

### **General Maintenance**

13.1. Every owner or occupant of a Part IV or Part V heritage property shall,

- 13.1.1. maintain, preserve and protect the heritage attributes of the property, as identified in a by-law passed under Part IV or Part V of the Ontario Heritage Act, so as to preserve the heritage character and integrity of the property;
- 13.1.2. maintain the property in a manner that will ensure the protection and preservation of the heritage attributes referenced in a by-law passed under Part IV or Part V of the Ontario Heritage Act; and
- 13.1.3. obtain approval from the Town in accordance with the Ontario Heritage Act prior to performing work required under this by-law.

#### **Repair and Replacement of Heritage Attributes**

13.2. Despite any other provision of this by-law, where a heritage attribute of a Part IV or Part V heritage property can be repaired, the owner of a Part IV or Part V heritage property shall repair the heritage attribute,

- 13.2.1. in a manner that minimizes damage to the heritage attribute;
- 13.2.2. in a manner that values and maintains the design, colour, texture, grain or other distinctive features and appearance of the heritage attribute; and
- 13.2.3. using materials which are similar in kind as the original heritage attribute.

### **14. By-law Enactment**

#### **Effect of Pre-existing By-laws**

14.1. Any by-law which was in effect in the Town on the date of passage of this by-law which covers the same subject matter as this by-law shall remain in effect only for the purposes of the completion of any procedure that was commenced under that by-law.

#### **Repeal of By-laws**

14.2. Except for the purposes identified in Section 14.1 of this by-law, the following by-laws are hereby repealed,

- 14.2.1. By-law No. 326-70; being a by-law to provide minimum heating standards in rented dwelling units;
- 14.2.2. By-law No. 856-79; being a by-law for prescribing standards for the maintenance and occupancy of property within the Town of Whitby;
- 14.2.3. By-law No. 1427-82; being a by-law to amend the Property Standards By-law 856-79 of the Town of Whitby prescribing standards for the maintenance and occupancy of property within the Town of Whitby;

- 14.2.4. By-law No. 2267-87; being a by-law to amend the Property Standards By-law 856-79 of the Town of Whitby prescribing standards for the maintenance and occupancy of property within the Town of Whitby;
- 14.2.5. By-law No. 2783-90; being a by-law to amend the Property Standards By-law 856-79 of the Town of Whitby prescribing standards for the maintenance and occupancy of property within the Town of Whitby; and
- 14.2.6. By-law No. 3797-96; being a by-law to amend the Property Standards By-law 856-79 of the Town of Whitby prescribing standards for the maintenance and occupancy of property within the Town of Whitby.

## **15. Schedules**

- 15.1. Schedule "A" Property Standards - Administrative Penalties

## **16. Short Title**

- 16.1. This by-law may be referred to as the Property Standards By-law.

## **17. Effective Date**

- 17.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed on this 9<sup>th</sup> day of June, 2014.

Original Approved and Signed.

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Patricia Perkins, Mayor

Original Approved and Signed.

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Susan Cassel, Acting Deputy Clerk

## Schedule “A”

### Property Standards - Administrative Penalties

Town of Whitby By-law # 6874-14, as amended

Item	Short Form Wording	By-law Section	Tier 1 (one)	Tier 2 (two)	Tier 3 (three)
1.	Use/occupy/allow the use of occupancy of any property in noncompliance	2.13.1.	\$500.00	\$750.00	\$1000.00
2.	Obstruct the visibility/remove a copy of posted order	2.13.2.	\$500.00	\$750.00	\$1000.00
3.	Prevent/hinder/interfere or attempt to prevent/hinder/interfere with an inspection	2.13.3.	\$500.00	\$750.00	\$1000.00
4.	Fail to comply with Order	2.13.4.	\$800.00	\$750.00	\$1000.00