

**THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 19-1475**

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**Being a by-law for the Enforcement of Property Standards**

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**WHEREAS** under Subsection 15.1-(3) of the Building Code Act, S.O. 1992, c.23 as amended, a by-law may be passed by the Council of 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 Municipality of Temagami includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Municipality of Temagami is desirous of passing a by-law under Subsection 15.1-(3) of the Building Code Act, S.O. 1992, c.23 as amended;

**AND WHEREAS** Subsection 15.6-(1) of the Building Code Act, S.O. 1992, c.23 as amended requires that a by-law passed under Subsection 15.1-(3) of the Building Code Act, S.O. 1992, c.23 as amended shall provide for the establishment of a Property Standards Committee;

**AND WHEREAS** the Council of the Municipality of Temagami intends to enact a Property Standards By-law for the purpose of maintaining public health and safety, property value and to maintain or improve the appearance of the various neighbourhoods in the Municipality of Temagami.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami hereby enacts the following:

**PART I**

**1. DEFINITIONS IN THIS BYLAW:**

**Accessory Building:** means a subordinate building or structure on the same lot as the main building, or a part of the main building and devoted exclusively to a use that is naturally and normally incidental, subordinate, and exclusively devoted to the principal use of the main building on the lot;

**Apartment Building:** means a building containing more than four dwelling units with individual access from an internal corridor system;

**Approved:** means acceptance by the Property Standards Officer;

**Balcony:** means an external balustrade platform and includes both upper and lower surfaces of the platform;

**Basement:** means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above average exterior finished grade;

**Boarded Building:** means a vacant, a partially vacant building, or an abandoned building or structure in which some or all of the windows, doors or other openings have been covered for by affixing wood or metal over them so as to prevent the entrance of elements or unauthorized persons;

**Cellar:** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade;

**Certificate of Compliance:** means a written opinion of property compliance with the standards contained in this by-law issued under Section 15.5 (1) of the Building Code Act 1992, S.O. 1992, c.23, as amended;

**Child of Tender Years:** means a person who is or, in the absence of evidence to the contrary, appears to be under the age of twelve years;

**Compost:** means a mixture of decaying organic matter used or intended to be used as fertilizer;

**Council:** means the Council of the Municipality of Temagami;

**Demolish:** means the doing of anything to effect the removal of a building or structure or part thereof;

**Dwelling:** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation;

**Dwelling Unit:** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities;

**Fence:** means any structure, except a structural part of a building, used wholly or partially to screen from view, to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land, and includes, privacy screens, retaining walls, any hedge or grouping of shrubs, or other combination of fencing components which form a continuous barrier for the same purposes;

**Fire Code:** means the regulations made under section 12 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

**First Storey:** means that part of a building having floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;

**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;

**Habitable Room:** means a room commonly used for living purposes, including a bedroom and kitchen, but does not include any space in a dwelling used as a lobby, hallway, closet, or bathroom, or any room having a floor space of less than 4.5 m<sup>2</sup>

**Health Hazard:** means a condition of a premise, a substance, thing, plant or animal other than man, or a solid, liquid, gas or combination or any of them, that has or that is likely to have an adverse effect on the health of any person and includes but is not limited to accumulations of water that is infected with mosquito larva implicated in the transfer of the West Nile Virus;

**Means of Egress:** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons of persons from any point within a building, a floor area of refuge usually located outside the building;

**Multiple Dwelling:** means a building containing three or more dwelling units;

**Municipality:** means the Corporation of the Municipality of Temagami;

**Non-Habitable Room:** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this bylaw;

**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 outbuildings, fences or erections thereon or therein;

**Persons:** means an individual, firm, corporation, association or partnership.

**Residential Property:** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, parking spaces and fences associated with the dwelling or its yard;

**Standards:** means the standards of physical condition and of occupancy prescribed for the property by this by-law;

**Toilet Room:** means a room containing a water closet and a wash basin;

**Yards:** 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;

**Ontario Building Code:** means the regulations made under section 34 of the Building Code Act, S.O. 1992, c.23, as amended;

**Ontario Electrical Safety Code:** means the regulations made under section 111 of the Power Corporation Act, R.S.O. 1990, c. P. 18, as amended;

**Residential Property:** means a property that is used or designed for use as a dwelling unit;

**Rooming House:** means a residential building in which lodging is provided with or without meals, for hire or gain, where the occupants, in addition to their private accommodations, may or may not have access to a common washroom, kitchen or laundry facilities;

**Standards:** means the standards of physical condition and occupancy of property set out in this by-law.

## **2. PROHIBITION**

- 2.1 No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards set out in this by-law.
- 2.2 The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

## **3. ADMINISTRATION**

### **3.1 Property Standards Committee**

- (a) Council shall appoint at large, by a Resolution of Council, three (3) citizens to the Property Standards Committee for a term of office concurrent with Council.
- (b) Each member of the Property Standards Committee shall receive an honorarium of \$50.00 per half day for attendance at Property Standards Committee meetings for the Municipality of Temagami
- (c) Every person who intends to appeal an Order made under subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in subsection 15.3(1) of the Building Code Act, S.O.1992, c.23. All notices of appeal shall be accompanied by a non-refundable payment of \$150.

### **3.2 Property Standards Officer**

- (a) The Council may from time to time appoint officers to carry out the administrative functions of this by-law including the enforcement thereof.
- (b) Any building or plumbing inspector, fire prevention officer, arborist or by-law enforcement officer of the Municipality is hereby authorized and directed to act from time to time as an assistant to the officer.

- (c) Every person who intends to appeal an Order made under subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in subsection 15.3(1) of the Building Code Act, S.O. 1992, c.23. All notices of appeal shall be accompanied by a non-refundable of \$150.

## **PART II**

### **GENERAL STANDARDS FOR ALL PROPERTY**

#### **4. SCOPE**

4.1 This by-law shall apply to all property in the Municipality.

4.2 The imperial measurements in this by-law are given for reference only.

#### **5. GENERAL CONDITIONS**

5.1 Every tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

5.2 Every tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms and other common areas in a clean, sanitary and safe condition.

5.3 Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.

#### **6. LAND**

All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents or health hazard, and more particularly:

6.1 No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land, but this does not apply where such articles are required and used for business purposes permitted under the Municipality's land use by-laws and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring environment.

6.2 Any part of a yard that is low lying or has been excavated so that it accumulates water, shall be drained, filled and graded so that water drains to a storm sewer or ditch.

6.3 Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections.

6.4 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.

6.5 All grassed and landscaped areas abutting buildings or structures or on vacant lots in developed residential areas shall be cut and maintained in a reasonable condition in relation to the neighbouring environment and brush, undergrowth and noxious weeds as defined by the Weed Control Act; shall be controlled in accordance with the Act.

6.6 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.

6.7 Prevent instability or erosion of soil;

6.8 Prevent surface water run-off from entering basements or cellars;

6.9 All land shall be kept free of garbage and refuse;

## **7. LANDSCAPING**

Whenever landscaping, parking area, walkways, steps, hedges, trees, fences, curbs, or similar changes to property have been required by the Municipality as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the Municipal requirements.

## **8. PARKING AREAS, WALK AND DRIVEWAYS**

8.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

8.2 (2) Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

## **9. FENCES**

9.1 All fences shall be erected and maintained so that they:

- (a) Do not cause or create an unsightly appearance;
- (b) Are structurally sound; and
- (c) Are in a condition free of safety hazards and in a state of good repair.

9.2 For the purpose of this section, the term “good state of repair” means that:

- (a) The fence is completely built, standing in a vertical position, and is securely anchored;
- (b) The fence is free of components that are broken, rusted, rotted, or otherwise in disrepair; and
- (c) Any stained or painted surface of the fence are maintained free of peeling paint or stain.

9.3 Fences shall not be used as a support for any structure, object or thing, which is capable of or is causing force to be exerted against or upon the fence.

## **10. TREES**

10.1 All trees on a property shall be maintained in a manner that will eliminate a condition which is a source of danger.

10.2 Where the dangerous condition cannot be eliminated by maintenance practices, the tree shall be removed.

## **11. SNOW REMOVAL**

The following subsections apply to all private property containing multiple occupancy residential buildings, and all areas of commercial, industrial and institutional property that the general public has access to:

11.1 All walkways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times.

11.2 All exterior parking areas, including laneways, shall be kept free from accumulations of ice and snow at all times.

## **12. COMPOST**

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block or lumber or in a forty-five gallon container, a metal frame building with a concrete floor or a commercial plastic enclosed container designed for composting.

## **13. PEST PREVENTION**

All dwelling units and the exterior portions of buildings shall be kept free of garbage and refuse at all times so as to prevent the infestation of pests such as rodents, vermin, insects and birds, and methods used for exterminating rodents, vermin, and insects shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, c. P-11, as amended, and all regulations passed pursuant there to.

## **14. GARBAGE DISPOSAL**

14.1 Every building, dwelling and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover and shall be maintained in a clean and odour free condition at all times.

14.2 All garbage, refuse and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.

14.3 Garbage storage areas shall be screened from public view.

## **15. SEWAGE DISPOSAL**

15.1 Roof drainage shall not be discharged onto sidewalks, stairs or adjacent property.

15.2 When a sanitary sewer is installed on a street or road, all sewage from the abutting property shall be discharged into the sanitary sewer.

15.3 When a sanitary sewer has not been installed on a street or road, all sewage from each abutting property shall be discharged into private sewage disposal systems on the subject property and each such system shall be approved by and maintained in accordance with the Ontario Building Code.

## **16. ACCESSORY BUILDINGS**

Accessory buildings shall be kept:

16.1 Protected by paint, preservative or other weather-resistant material;

16.2 In a structurally sound condition and plumb, unless specifically designed to be other than vertical;

16.3 In good repair and free of accident hazards; and

16.4 So as not to present an unsightly appearance.

## **17. SIGNS**

Exterior signs on any land, building or structure that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building on the property.

## **18. OCCUPANCY STANDARDS**

18.1 Non-habitable space shall not be used for human habitation.

18.2 No portion of a dwelling unit shall be used for human habitation unless:

- (a) The floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all times;
- (b) every habitable room, except a kitchen, contains one or more windows or skylights that:
  - (i) Open directly to the outside air, and
  - (ii) Have a total light transmitting openable ventilating area of not less than that required by the Ontario Building Code;
- (c) all windows and skylights are:
  - (i) Glazed or fitted with an approved substitute;
  - (ii) Provided with hardware and locking devices;
  - (iii) Maintained in good repair; and
  - (iv) If required for ventilating purposes, capable of being easily opened and closed at all times; and
- (d) a heating system is provided which is capable of maintaining adequate and suitable heat;



18.3 Every habitable room shall have a minimum ceiling height in accordance with the Ontario Building Code.

18.4 Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Ontario Building Code.

18.5 Anything employed in providing water or any energy source serving light, heat, refrigeration or cooking facilities in a dwelling unit occupied by a tenant shall not be disconnected, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

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

18.7 Each kitchen in a dwelling unit shall be:

- (a) equipped with a refrigerator and stove in good repair and in good working condition;
- (b) provided with cupboards having a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit; and
- (c) all counter-tops, drawers and cupboards shall be maintained in good condition;

18.8 Interior and exterior barrier-free access facilities for persons with disabilities where installed or required by the Ontario Building Code or as a condition of development or redevelopment shall be maintained in a good state of repair, operational suitable and available for use by persons with disabilities.

18.9 Every occupant of a dwelling unit shall maintain the dwelling unit and all supplied facilities and equipment therein in a clean and sanitary condition and shall co-operate with the landlord in complying with the requirements of this by-law.

18.10 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person every nine square metres (97 sq. ft.) of habitable floor area. For the purpose of computing habitable floor area, any area with minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.

18.11 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.) and floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.

18.12 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

- (a) Each habitable room shall comply with all requirements set out in this By-law;

- (b) Floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) Each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code; and
- (d) Access to each habitable room shall be gained without passage through a service room.

## **19. FOUNDATIONS AND FOUNDATION WALLS**

The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary.

## **20. EXTERIOR WALLS**

20.1 The exterior walls of every building or structure or part of a building or structure must be structurally sound, weather proof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.

20.2 All brick and stonework, cornices, entablatures, belt courses, parapet walls, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair and safe condition with proper anchorage.

20.3 The exterior wall of every building and structure shall be properly painted or otherwise treated.

20.4 The cladding on the exterior walls of all buildings or structures shall consist of masonry stucco, wood, finished plywood, metal or other similar materials that are of equivalent strength, durability and fire resistance.

## **21. ROOFS**

21.1 The roof of every building or structure shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow. Improperly secured objects and materials shall be either removed, repaired or replaced.

21.2 All roof flashing, gutters, valleys, eaves troughs and downpipes shall be secured, free of rust and maintained in a serviceable condition.

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

## **22. EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM**

22.1 The exterior doors, windows and exterior trim of every building or structure or part of a building or structure, shall be maintained in a good state of repair, properly fitted to prevent the entrance of the elements and painted or otherwise treated to provide protection against decay and rust.

22.2 The owner shall provide and install a safety device on any window with a movable sash, and on any balcony door, so as to ensure that a child of tender years will be unable to open such windows or doors to a width greater than four (4) inches (10 centimetres).

22.3 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

### **23. EXTERIOR STAIRS, PORCHES AND GUARDRAILS**

23.1 All exterior stairs, stairways, porches, awnings, canopies, fire escapes and other related structures shall be structurally sound, properly painted or otherwise treated, and free of loose and unsecured objects and materials.

23.2 Where there is a difference in elevation between adjacent levels of 24 inches or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.

### **24. UNFINISHED BUILDINGS OR STRUCTURES**

All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and, where applicable, in accordance with all relevant legislation.

### **25. BOARDED BUILDINGS**

25.1 Where the exterior doors, windows, trim or other opening of vacant buildings, partially vacant buildings, or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair the Municipality may order the property owner to board of the building or structure as an interim security repair measure so as to prevent the entrance of elements, or unauthorized persons, or the infestation of pests.

25.2 The boarding as ordered under subsection (1) shall comply with the following requirements:

- (a) All boards used in the boarding shall be installed from the exterior and properly fitted to the size of the opening of the building or structure within the frames in a watertight manner.
- (b) All boards shall be painted or otherwise treated so that the colour blends with the exterior of the building.
- (c) Doors, windows and other openings at the basement, ground floor and first floor level of the building or structure shall be securely boarded up with a solid piece of plywood or metal plate at least 11 millimetres thick.
- (d) Doors, windows and other openings above the first floor level of the building or structure shall be securely boarded up with a solid piece of plywood or metal plate at least 8 millimetres thick.
- (e) All plywood used for the boarding must be secured with nails and screws at least 50 millimetres in length, and spaced not more than 150 millimetres on center.

## **26. INTERIOR HALLWAYS, STAIRWELLS, AND FLOORS**

The interior stairs, stairways, stairwells, hallways, landings and floors of every part of a building or structure shall be in a safe and clean and sanitary condition, shall be properly painted or otherwise treated, and;

26.1 excessively worn, broken, warped or loose boards, floors and floor coverings must be replaced or repaired in a good workmanlike manner;

26.2 handrails must be securely installed and maintained around any open area;

26.3 all interior doors, doorframes and required hardware must be provided and maintained in good condition and properly functioning and closing.

## **27. INTERIOR CEILINGS AND WALLS**

27.1 The interior ceilings and walls of every building and structure shall be maintained in a safe and sound condition and in a good state of repair, free of loose plaster.

27.2 All paint, or other wall covering, which is stained or deteriorated shall be repainted and repaired, missing or loose ceiling or wall tiles shall be repaired or replaced.

27.3 Repairs made to interior walls and ceilings shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

## **28. LIGHTING**

28.1 Lighting fixtures shall be installed and maintained in all areas inside and outside every building or structure or part thereof so that work, use or occupation normally carried out in such areas can be undertaken safely.

28.2 All fixtures and all connections thereto shall be kept in a safe working condition.

28.3 Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a dwelling unit.

## **29. HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

29.1 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor temperature of 21 degrees Celsius (70° F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.

29.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.

29.3 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle, for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.

29.4 Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be installed and maintained so as to prevent the escape of smoke or gases into the building, clear of obstructions, free from open joints, free from broken and loose masonry and in good repair, securely anchored and plumb.

29.5 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.

29.6 All fuel burning appliances, equipment and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.

29.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent escape of smoke, fumes or gases from entering a dwelling unit.

29.8 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

29.9 Any duct work that is part of a heating and/or ventilating system shall be kept in a clean and sanitary condition free of dust, mold, mildews, or any other health hazard.

29.10 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft.), or an approved system of mechanical ventilation such that provide hourly air exchanges.

29.11 All system of mechanical ventilation shall be maintained in good working order.

29.12 All enclosed areas including basements, cellars, crawl spaces and attic or roof spaces shall be adequately ventilated.

### **30. ELECTRICAL SYSTEMS**

30.1 All buildings, where required by the Ontario Building Code or the Ontario Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.

30.2 The capacity of the connection to the building and system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, and in compliance with the Ontario Hydro Electrical Safety Code.

30.3 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.

30.4 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

30.5 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

30.6 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

### **31. DRAINAGE AND PLUMBING SYSTEMS**

31.1 Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order and shall be:

- (a) In compliance with the requirements of the Ontario Building Code, the Ontario Water Resources Act, R.S.O. 1990, c.O.40, as amended, and their respective Regulations, as amended from time to time; and
- (b) Free from leaks, defective or dripping taps and other defects.

31.2 Water run-off from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging into a storm sewer and all leaves troughs and drainpipes shall be maintained:

- (a) watertight and free from leaks; and
- (b) In working order and free from health hazards.

31.3 Eaves troughs, gutters, downpipes and storm sewer connections are not required when the roof is designed to prevent water run-off causing deterioration to the building or creating a nuisance to persons on or adjacent to the property.

### **32. TOILET AND BATHROOM FACILITIES**

32.1 Every dwelling unit, except as provided in subsection 45(2), shall contain plumbing fixtures consisting of at least:

- (a) A water closet;
- (b) A sink; and
- (c) a bathtub or shower.

32.2 In a rooming house there shall be a water closet, sink and bathtub or shower for every eight persons or portion thereof and the facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.

32.3 Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.

32.4 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.

32.5 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.

32.6 Where practical a wash basin shall be located in the same room as the water closet.

### **33. HOT AND COLD RUNNING WATER**

Every dwelling unit shall be connected to and supplied with hot and cold running water of adequate water pressure and the hot water shall be at least 43 degrees Celsius measured at the tap with the water running for at least 30 seconds.

### **34. SECURITY**

34.1 Doors which allow access to or egress from a dwelling unit shall be equipped with a lock that:

- (a) complies with the Ontario Building Code and Fire Code; and
- (b) is maintained in good repair and in an operative condition.

34.2 Exterior security locking and release shall be maintained in good repair and operative condition in compliance with the requirements of the Ontario Building Code.

### **35. EGRESS**

35.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

35.2 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or the fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 mm by 559 mm, (42 inches x 22 inches) with a sill height of not more than 914 mm (36 inches) above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

### **36. NATURAL LIGHT**

Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

### **37. TELEPHONE WIRING**

All internal wiring for telephone use within a dwelling unit shall be maintained in good working order.

### **38. FIRE ESCAPES, ALARMS AND DETECTORS**

38.1 A listed fire alarm and detection system, approved by the Canadian Standards Association or Underwriters' Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such system need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

38.2 Every dwelling unit in a building shall have listed smoke alarm, approved by the Canadian Standards Association or Underwriters' Laboratories of Canada or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The smoke, fire and carbon monoxide detectors shall be:

- (a) Equipped with visual or audio indication that they are in operating condition;
- (b) Mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

38.3 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached a window opening or door.

38.4 Every residential unit which contains an appliance or heating device which uses or burns wood, propane, natural gas or stove oil shall install carbon monoxide detectors as approved by the Canadian Standards Association or Underwriters' Laboratories of Canada outside all sleep quarters.

### **39. EXCEPTIONS**

In rural areas where services are not available, cottages or hunt cabins shall be exempt from the service requirement for kitchen, bathroom facilities, plumbing, electrical and heating systems

### **40. PENALTY**

An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under of 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.

### **41. VALIDITY**

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



**42. TRANSITIONAL RULES**

After the date of passing of this by-law, By-law 06-683, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the Municipality, have been concluded.

**43. REPEAL**

Except for the purpose as set out in section 41 of this By-law, By-law 06-683 is hereby repealed

43.1 That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

43.2 That By-law No. 06-683 is hereby repealed.

Taken as read a first time this 22<sup>th</sup> day of August, 2019.

Taken as read a second and third time and finally passed this 22<sup>th</sup> day of August, 2019.

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Mayor

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Clerk