

**THE CORPORATION OF THE TOWN OF THESSALON
BY-LAW NUMBER 1592**

Being a by-law to establish standards for the maintenance and occupancy of property in
the Town of Thessalon.

AND WHEREAS the parameters governing the procedures of Property Standards, Sections 15(1) to 15(8) of the Building Code Act (S.O. 1992, c 23, as amended) are set out in Schedule B to this by-law and Schedule B shall form part of this by-law;

WHEREAS pursuant to section 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 a municipality relating to property standards provided that an official plan that includes provisions relating to property conditions is in effect in the municipality;

AND WHEREAS the Official Plan for the Corporation of the Town of Thessalon includes provisions relating to property conditions:

AND WHEREAS the Council of the Corporation of the Town of Thessalon is desirous of passing a by-law under section 15.1 (3) of the Building Code Act.

NOW THEREFORE the Council of the Corporation of the Town of Thessalon hereby **ENACTS AS FOLLOWS.**

STANDARDS

1. (1) The standards for maintenance and occupancy of property set out in Schedule A to this by-law are prescribed as the minimum standards and Schedule shall form part of this by-law.

PROHIBITION

2. (1) No person shall use or occupy, or permit the use or occupancy of any property except in accordance with the standards set out in Schedule A.
(2) The owner of any property which does not conform to the standards in Schedule A shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and level condition.
3. (1) Any person who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the Provincial Offences Act.
4. (1) By-law Number 886 is hereby repealed.
5. (1) This by-law may be referred to as the "Property Standards By-law".
6. (1) This by-law shall come into force and take effect immediately upon the final passing thereof.

READ a first and second time this 6th day of October, 2008.

READ a third time and FINALLY PASSED this 6th day of October, 2008.

MAYOR

CLERK

SCHEDULE A
By-law Number 1592

PART I – DEFINITIONS

DEFINITIONS

1. In this Schedule,

“accessory building” means a detached or attached building that is subordinate to the main use of the lot and that is not used or intended for use as a human habitation;

“basement” means that portion of a building, between two floors, which is partly underground but which has at least one-half of its height from floor to ceiling above the adjacent finished grade but in no case shall be less than 6’ 11” in height;

“bathroom” means a room containing a minimum of one toilet, one sink and one bathtub or shower, or two rooms that contain in total a minimum of one toilet, one sink and one bath tub or shower;

“bedroom” means a habitable room used for sleeping purposes;

“building” includes a structure used for or intended for supporting or sheltering any use or occupancy;

“building code” means regulations made under section 34 of the Ontario Building Code Act (S.O. 1992, c23, as amended);

“clean and sanitary” means clean and sanitary to the satisfaction of an Officer of the appropriate District Health Authority;

“corporation” means The Corporation of the Town of Thessalon;

“Council” means the Council of The Corporation of the Town of Thessalon;

“demolish” includes the doing of anything in the removal of a building or structure or part thereof;

“dwelling” means a building or structure, any part of which contains one or more dwelling units, including a mobile home, which is used or intended to be used for the purpose of human habitation in whole or in part and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair, and also includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;

“dwelling unit” means one or more rooms connected together as a separate unit in the same structure, and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes;

“fire resistance rating” means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity to generally accepted standards as stated in the Building Code;

“ground cover” means organic or non-organic material supplied to prevent the erosion of the soil, examples – concrete, flagstone, gravel, asphalt, grass, or other forms of landscaping;

“habitable room” means any room in a dwelling or dwelling unit used for living, sleeping, cooking or eating purposes, with a minimum height of 2.13 metres (7 feet) except as hereinafter expressly provided;

“non-habitable room” means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby,

communication corridor, stairway, closet, cellar, recreation room in a cellar, boiler room and other space for service and maintenance of the dwelling or for public use, or for access or for vertical travel between storeys;

“**noxious weeds**” means any weed classed as noxious by The Noxious Weeds Act of the Province of Ontario;

“**officer**” means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law;

“**person**” includes municipalities, public bodies, bodies corporate, societies, and trustees;

“**residential property**” means a building or structure or part thereof that is used or designed for use as a domestic establishment in which one or more persons usually sleep and/or prepare and serve meals and includes land and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property;

“**sewage**” means any liquid waste containing animal, mineral or vegetable matter in suspension or solution, but does not include roof water or other storm water runoff;

“**sewage system**” means the municipal sanitary sewer system or a private sanitary sewage disposal system approved by the Ministry of the Environment or the Medical Officer of Health;

“**standards**” means the standards of physical condition and occupancy of the property set out in this by-law;

“**yard**” means the land around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the owner of the building.

PART II – STANDARDS TO ALL PROPERTIES

STRUCTURAL CAPACITY

1. Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected. Materials that have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

FOUNDATIONS AND FOUNDATION WALLS

2. The foundation walls and basement, cellar or crawlspace floor of a building shall be maintained in good repair and structurally sound condition so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin and insects. Maintenance shall include shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, and waterproofing walls or floors.

EXTERIOR SURFACES

3. (1)
 - a) The exterior walls of a building shall be maintained so as to prevent their deterioration due to weather and insects and, where necessary, shall be so maintained by painting, restoring or repairing of walls, coping or flashing, by the waterproofing of joints, and by the installation or repairing of termite shields.
 - b) Exterior walls, roofs and other parts of a building shall be kept free of objects or materials that have been improperly secured or that have become loose or insecure. Such objects or materials shall be removed, properly secured or replaced.

- (2) Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or walkways.
- (3) Appropriate measures shall be taken to remove an objectionable\markings, stains or other defacement on the exposed exterior surface and to restore the surface and adjacent areas.

ROOFS

4. (1)
 - (a) The Roof of a building shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary, shall be maintained by the repair of the roof and flashing or by applying waterproof coatings or coverings. The roof shall be free of loose or unsafe objects and materials and all other accident and fire hazards. The roof drainage system, where present, shall be kept in good repair, watertight, and free of health and accident hazards.
 - (b) No roof or storm drainage shall be discharged directly onto sidewalks, stairs or neighbouring property.

EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

5. (1) All exterior openings in a building or an accessory building shall be maintained in good repair and in sound, operative condition. This maintenance shall include the painting, or applying of a similarly effective preservative, the repairing or replacing of damaged or decaying doors, windows shutters or screen hardware. Where an opening is used for ventilation or illumination and is not protected by a window, door or similar closure, it shall be screened with wire mesh, metal grille or other durable material.
- (2) No exterior window shall be covered with plywood or any other unapproved material except for a reasonable period to enable a damaged window to be repaired or replaced.

FIRE ESCAPES, EXTERIOR AND INTERIOR STAIRS

6. (1) Every fire escape, exterior or interior stairs, porch, balcony or landing actually in use or available for use shall be maintained in good repair so as to be free of holes, cracks or other defects that constitute possible accident hazards, and all treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.
- (2) Stairs, landings, ramps, porches, balconies, terraces, passageways, and roof walks shall be equipped with handrails, guardrails, and balustrades according to the Ontario Building Code, and they shall be maintained in good repair so as to provide adequate protection against accident or injury.

INTERIOR WALLS AND CEILINGS

7. (1) Every wall and ceiling in a building shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose plaster, or other defects that would permit the passage of flame or excessive heat.
- (2) Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surface of walls and ceilings, and interior trim shall be of material that will not, in burning, cause excessive flame or give off excessive amounts of smoke or objectionable or dangerous gases so as to be injurious to health.

FLOORS

8. (1) Every floor in a building shall be maintained in good repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or openings that might admit rodents into a building. All defective floor surfaces shall be repaired or replaced.
- (2) Basement and cellar floors shall be constructed at least to the minimum standards of the building code.
- (3) Below grade floors shall be adequately drained so as to prevent the ponding of water on the floor surface.

DOORS

9. Existing doors, hardware and frames shall be maintained in a sound operative condition. All doors and hardware shall comply with the requirements of the building code. Defective or missing hardware shall be repaired or replaced.

EXIT

10. Every building shall have safe, continuous and unobstructed passage from the interior to the exterior of the building at street or grade level. All passageways shall be kept free of rubbish and debris that might create a fire or accident hazard, and shall have adequate lighting. A required means of egress shall not pass through an attached garage, a built-in garage, or an enclosed part of another building. In a mixed-use building, no means of egress shall pass through any part of a dwelling unit unless the occupant of the dwelling unit is also the occupant of the non-residential portion.

FIRE SEPARATION

11. (1) The integrity of all fire separations, firewalls and fire doors shall be maintained at all times so that they will perform their intended function in the event of a fire.

ACCESS TO ENCLOSED SPACE

12. (2) A 510 mm (20 inches) by 710 mm (28 inches) access opening with a door, or its equivalent, shall be provided to every crawlspace or other enclosed space, and to every attic and roof space exceeding 610 mm (2 feet) in height.

PEST PREVENTION

13. (3) Buildings shall be kept free of rodents, vermin and insects, and methods used for exterminating them shall be in accordance with the provisions of The Environmental Protection Act, R.S.O., 1971, Chapter 86, and The Pesticides Act, R.S.O., 1970, Chapter 346. Basement or cellar windows used or required for ventilation, and every other opening in a basement or cellar or crawlspace that might permit the entry of rodents, vermin and insects shall be screened with wire mesh or other material that will effectively keep out rodents, vermin and insects.

SEWAGE SYSTEM

14. (4) Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping that shall be connected to a municipal sewage system, or to a system approved by the Algoma Public Health.

PLUMBING SYSTEM

15. All plumbing systems, drain pipes, water pipes and plumbing fixtures in every building, and every connecting line to the sewage system, shall be maintained in good repair and free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing, these systems shall conform to Part 7 of the building code.

TOILET AND BATHROOM FACILITIES

16. Every building shall be provided with toilet and washing facilities equal to the standard required by the building code. They shall be fully enclosed so as to provide privacy for the occupant. No toilet or urinal shall be located within a room that is used for the preparation, cooking, storing or consuming of food.

HEATING SYSTEM

17.
 - (1) The heating system of a building shall be maintained in good working condition, capable of heating the building safely to the required standard.
 - (2) No room heater shall be located where it might be a fire hazard to walls, furniture or equipment, nor shall it obstruct the path of egress from the room in which the heater is located.
 - (3) A space that contains a heating unit shall have natural or mechanical means of supplying air in quantities that will provide adequate combustion.
 - (4) All heating and cooking apparatus or equipment involving combustion that requires a connection to a chimney or flue shall be properly connected to a chimney or a flue by a rigid and permanently sealed connection.
 - (5) Every chimney, smoke pipe, flue and gas vent in use or available for use shall be maintained so as to prevent gases from leaking into the building. They shall be kept clear of obstructions, all joints shall be sealed, and all broken or loose masonry shall be repaired.
 - (6) Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected to approved chimneys, smoke pipes or flues that are separate from any flue that acts as a gas vent. They shall be installed so that there is no danger of fire to adjacent combustible material or structural members.
 - (7) Where a heating system or part of it, or any auxiliary heating system, burns solid fuel or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free of fire or accident hazards.
 - (8) Where required by the building code, a fuel-burning central heating system in a mixed-use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than that required for new construction of such a room, in accordance with the building code.
 - (9) Subsection 21 (h) does not apply where there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of not less than that required by the building code for similar new construction.

ELECTRICAL SYSTEM

18.
 - (1) Electrical systems, wiring, conduit and electrical services in every building shall comply with the building code.
 - (2) Fuses or overload devices shall not exceed limits set by The Ontario Electrical Safety Code.

VENTILATION

19.

- (1) Every habitable room or rooms where persons work or are expected to work shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of 0.279 square metres (3 sq. ft.), and shall be located in the exterior walls or through openable parts of skylights. Openings shall be adequately screened to prevent the entry of insects, rodents or other vermin.
- (2) An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air at least once each hour. All systems of mechanical ventilation shall be maintained in good repair.
- (3) Every basement or cellar or crawlspace shall be adequately vented to the outside air by means of screened windows that can be opened, or by louvers with screened openings, the area of which shall be not less than 0.1858 square metres (2 sq. ft.) for every 92.9 square metres (1,000 sq. ft.) of enclosed area. An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

FIRE PROTECTION EQUIPMENT

20.

- (1) Fire alarm systems and ancillary devices, standpipe and hose systems, sprinkler systems automatic fire extinguishing systems, smoke control systems, private fire hydrants, voice communication systems, exit and emergency lighting equipment and fire extinguishers shall be maintained in good working order and repaired or replaced when necessary.
- (2) Fire protection equipment is subject to approval by the Fire Chief and periodic inspections by fire department personnel, and the Officer shall consult with the Fire Chief before issuing an order with respect to such equipment.

ACCESSORY BUILDINGS AND FENCES

21.

- (1) Accessory buildings and all fences shall be kept in good repair and free of fire, health or accident hazards.

YARDS, GROUNDS AND VACANT LOTS

22.

- (1) Every person shall keep every yard and vacant lot and all grounds, owned or occupied by him/her, free and clear of:
 - (a) objects or conditions that might create health, fire or accident hazards.
 - (b) rubbish, garbage, brush, waste, litter and other debris;
 - (c) termites, rodents, vermin or other similar pests and animals and any condition which might result in the harbouring of such rodents, vermin, pests and animals;
 - (d) excessive growth of grass, grass cover, hedges, bushes, trees and other natural growth which creates or may create an unsafe or unsightly condition;
 - (e) decayed or damaged trees or other decayed or damaged natural growth, the branches and limbs of which create or may create an unsafe condition;
 - (f) an excessive accumulation of materials which is out-of-character with the surrounding environment;
 - (g) an excessive accumulation of machinery or parts thereof which are apparently unused or which are out-of-character with the

- surrounding environment;
 - (h) potholes, excavations, holes and depressions which create an unsafe condition;
 - (i) ponding and any accumulation of water which creates or may create an unsafe condition;
 - (j) vehicles, boats or trailers which are wrecked, dismantled, discarded, unused or which do not openly display any permit, licence, certificate, plate or sticker which is required pursuant to the provisions of the *Highway Traffic Act* or other similar legislation, except
 - (i) where all such vehicles, boats and trailers are within an enclosed building, or
 - (ii) where, in the case of a salvage yard, when in compliance with the salvage yard by-law and is permitted on such lands,
 - (iii) or where, in the case of boats and trailers, a permitted purpose in respect of such lands is the sale and storage of boats and trailers, or
 - iv) where a vehicle for which the occupant of any residential premises is repairing for his/her own use so long as such repair is actively carried on and is not for commercial purposes, or
 - (v) where it is proven to the satisfaction of the Officer that such vehicle, trailer, boat or mechanical equipment is required for business purposes, other than a salvage yard, and such use is permitted, a suitable screening shall be provided.
 - (k) dilapidated, collapsed or partially constructed buildings, structures or erections which are not currently under construction;
 - (l) any other unsafe condition; or
 - (m) any other unsightly condition out-of-character with the surrounding environment.
- (2) (a) Suitable ground cover shall be provided on all open areas of any yard, to prevent soil erosion.
 - (3) (a) Drainage: All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a basement, cellar, crawlspace or neighbouring property.
 - (4) (a) Walks: Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use and weather conditions.
 - (5) (a) Driveways and Parking Areas: All areas used for vehicular traffic and parking shall be constructed of at least crushed stone. Asphalt, concrete or equivalent surfacing shall be in accordance with other City By-laws. All surfaces shall be kept in good repair and well drained.

SCHEDULE B
By-law Number 1592

PROPERTY STANDARDS

Municipal property standards

15.1 (1) In sections 15.1 to 15.8 inclusive,

“committee” means a property standards committee established under section 15.6; (“comité”)

“occupant” means any person or persons over the age of 18 years in possession of the property; (“occupant”)

“owner” includes,

(a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and

(b) 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; (“propriétaire”)

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; (“bien”)

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. (“réparation”) 1997, c. 24, s. 224 (8).

Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224 (8).

Standards for maintenance and occupancy

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c. 24, s. 224 (8).

No distinction on the basis of relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224 (8).

Provision of no effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224 (8).

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) 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;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. 1997, c. 24, s. 224 (8).

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) 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 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things

if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

Power of municipality if order not complied with

15.4 (1) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224 (8).

Warrantless entry

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

(3) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224 (8).

Lien

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (2).

Certificate of compliance

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c. 24, s. 224 (8).

Request for certificate

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c. 24, s. 224 (8).

Fee for certificate

(3) A council of a municipality may set a fee for the issuance of a certificate. 1997, c. 24, s. 224 (8).

Property standards committee

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c. 24, s. 224 (8).

Filling of vacancies

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c. 24, s. 224 (8).

Compensation

(3) The members of the committee shall be paid such compensation as the council may provide. 1997, c. 24, s. 224 (8).

Chair

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c. 24, s. 224 (8).

Quorum

(5) A majority of the members constitutes a quorum for transacting the committee's business. 1997, c. 24, s. 224 (8).

Secretary

(6) The members shall provide for a secretary for the committee. 1997, c. 24, s. 224 (8).

Duty of secretary

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to the minutes and records. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (3).

Rules of procedure and oaths

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c. 24, s. 224 (8).

Where committee required to give notice

(9) The committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable. 1997, c. 24, s. 224 (8).

Emergency order re dangerous non-conformity with standards

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the 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. 1997, c. 24, s. 224 (8).

Service

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c. 24, s. 224 (8).

Emergency powers

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant. 1997, c. 24, s. 224 (8).

No liability

(4) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c. 24, s. 224 (8).

Service

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c. 24, s. 224 (8).

Service of statement

(6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c. 24, s. 224 (8).

Application to court

(7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c. 24, s. 224 (8); 2002, c. 9, s. 25.

Powers of judge

(8) The judge in disposing of an application under subsection (7) shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c. 24, s. 224 (8).

Order final

(9) The disposition under subsection (8) is final. 1997, c. 24, s. 224 (8).

Lien

(10) The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (4).

Inspection powers of officer

15.8 (1) For the purposes of an inspection under section 15.2, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).

Samples

(2) The officer shall divide the sample taken under clause (1) (e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 1997, c. 24, s. 224 (8).

Same

(3) If an officer takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c. 24, s. 224 (8).

Receipt

(4) An officer shall provide a receipt for any document or thing removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 1997, c. 24, s. 224 (8).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c. 24, s. 224 (8).