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**STAFF REPORT: Planning & Building Services Department**



**REPORT TO:** Committee of The Whole  
**MEETING DATE:** March 17, 2014  
**REPORT NO.:** PL.14.28  
**SUBJECT:** Property Standards By-law No. 2002-18 – Proposed Interior Minimum Maintenance and Occupancy Standards Amendment  
**PREPARED BY:** David Finbow, Director Planning & Building Services

**A. Recommendations**

THAT Council receive Staff Report PL.14.28 respecting Property Standards By-law No. 2002-18 – Proposed Interior Minimum Maintenance and Occupancy Standards Amendment;

AND THAT Council enact an amendment to By-law No. 2002-18 so as to provide for interior minimum maintenance and occupancy standards;

AND THAT Council endorse a service level for the application of the Town's Property Standards By-law as being on the basis of written complaint or, by way of a Short Term Accommodation Licensing Inspection.

**B. Background**

**Purpose:**

Council's consideration of an amendment to the Town's Property Standards By-law so as to provide for interior minimum maintenance and occupancy standards.

**Council Authorization to Proceed:**

Council at its meeting of November 25, 2013 directed that a Public Meeting be held so as to receive comments with respect to proposed amendments to the Town's Property Standards By-law so as to prescribe standards for the maintenance and occupancy of the interior of a building or structure.

**Development of the Draft Amendment:**

The Town's current Property Standards By-law does not address or regulate minimum interior standards for occupancy. As noted at the Public Meeting, the purpose of the amendment is twofold. Firstly to address interior minimum maintenance and occupancy standards for rental units in the municipality in light of the Province's announcement to move away from enforcement of the Province's Maintenance Standards found under Ontario Regulation 517.06 and secondly to ensure that the municipality has minimum interior minimum maintenance and occupancy standards in place prior to the commencement of STA Licensing inspections.

The draft amending by-law is based on Part 4 of the Model Property Standards By-law prepared by the Ontario Association of Property Standards Officers (OAPSO) – [www.oapso.ca](http://www.oapso.ca). The Model By-law, or previous versions of the By-law, has been used across the Province by a large number of municipalities (including the Town and those municipalities that currently have Rental Housing Licensing By-laws). OAPSO note that the Model By-law is provided as a service to municipalities and is intended on being a comprehensive example of how a Property Standards By-law should be constructed, although it is noted that municipalities who decide to use the By-law ``will adopt and modify it to suit their individual needs.``

In terms of modifications, Town staff is of the opinion that the draft addresses the needs of the municipality as presented.

### **Public Meeting:**

The Public Meeting was held on February 24, 2014 so as to receive comments from the public on the proposed amendment. Written comments were received from a group comprised of Stu Frith, Visit Blue Mountain; Denis Martinek, Tyrolean Village Resorts; Sheldon Rosen, Lodges at Blue Mountain; Mark Faiz, Blue View Chalets; and, Jason Rubinoff & Isreal Ellis, Stay at Blue Mountain (copy attached).

1. By-law should apply to all residential rental units
2. That By-law lacks reference to recognized codes and or standards and therefore seems quite arbitrary
3. Duplication to that which exists in the Short Term Accommodation Licensing By-law
4. What constitutes a hazard, please provide a detailed list
5. Does the municipality have a detailed list of all rental units
6. Will the Town be considering a licensing regime for all rental units

With respect to these comments, Town staff advise as follows:

1. The By-law, if adopted, would apply to all rented residential units in the municipality that are located within the area that is addressed by the Town`s Property Standards By-law (effectively the areas previously covered by the Craigeith Camperdown Secondary Plan and the Town of Thornbury).
2. The draft amending by-law is based on the Model By-law and Town staff are of the same opinion of OAPSO in that specific references to standards and or regulations are not necessary.
3. Although there may be some duplication, the Property Standards By-law is to apply to all rented residential premises and not just STAs and therefore references that may appear to be duplications are in fact required.
4. No
5. Town staff note that the Model Property Standards By-law developed by OAPSO does not contain a definition of hazard, nor does it provide specifics as to what a hazard may be. Given this, one must rely on the day to day meaning of what a hazard is, being a danger or risk (online Oxford Dictionary).

6. Council has not provided direction for Town staff to explore a Rental Housing Licensing Program. Should Council decide that it desires that Town staff commence a review of implementing a Rental Housing Licensing Program for the municipality, they should provide that direction.

**Summary:**

Town staff believe it is appropriate at this time to proceed with an amendment to the Property Standards By-law so as to so as to prescribe standards for the maintenance and occupancy of the interior of buildings or structures.

**C. The Blue Mountains' Strategic Plan**

*Providing a strong, well-managed municipal government.*

*Managing growth to ensure the ongoing health and prosperity of the community.*

**D. Environmental Impacts**

N/A

**E. Financial Impact**

Nil (based on current service levels)

**F. In Consultation With**

Public Meeting of February 24, 2014

**G. Attached**

- G.1 Amending By-law.
- G.2 Comments received at the public meeting.

Respectfully submitted,

David Finbow  
Director, Planning & Building Services

# THE TOWN OF THE BLUE MOUNTAINS

## BY-LAW NO. 2014-

**Being a By-law to amend By-law No. 2002-18, as amended, so as to provide for interior minimum maintenance and occupancy standards.**

**WHEREAS** the Council of the Corporation of the Town of The Blue Mountains has enacted By-law No. 2002-18, as amended, so as to prescribe standards for the maintenance of certain property within the Town;

**AND WHEREAS** under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the Official Plan for the Town of The Blue Mountains includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Corporation Town of The Blue Mountains is desirous of passing an amending by-law under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:**

1. Part IV of By-law No. 2002-18, as amended, is hereby deleted and replaced with the following:

### **PART IV**

#### **RESIDENTIAL, SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT STANDARDS**

4.00 The following standards apply to those uses defined as a residential, short term accommodation and commercial resort unit by the applicable zoning by-law:

##### **INTERIOR STRUCTURE-COLUMNS-BEAMS**

4.01 In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

##### **WALLS-CEILINGS**

4.01 Every interior surfaces and finishes of walls and ceilings shall be maintained:

- 1) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
- 2) free of holes, cracks, loose plaster or other material
- 3) in a safe condition; and
- 4) so as to possess the fire resistant properties required by the Building and Fire Codes.

4.02 In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

##### **FLOORS**

- 4.03 Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 4.04 Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.
- 4.05 Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 4.06 Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

### **STAIRS-HANDRAILS-GUARDS**

- 4.07 Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
- 4.08 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
- 4.09 Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
- 4.10 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

### **ELEVATORS**

- 4.11 Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
- 4.12 All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
- 1) in good working order and good repair; and
  - 2) in a safe condition.

### **MEANS OF EGRESS**

- 4.13 Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- 4.14 Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- 4.15 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

- 4.16 In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- 4.17 Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 4.18 All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
- a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
  - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

### **HEATING-AIR CONDITIONING**

- 4.19 Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius (70 °Fahrenheit).
- 4.20 It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- 4.21 Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 4.22 No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 4.23 Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 4.24 If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- 4.25 Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions
- 4.26 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

### **AIR CONDITIONING**

- 4.27 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
- 4.28 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
- 4.29 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

### **ELECTRICAL**

- 4.30 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 4.31 The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
- 4.32 Extension cords are not permitted on a permanent basis.

## **VENTILATION**

- 4.33 Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- 4.34 Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- 4.35 When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.
- 4.36 An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- 4.37 Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

## **LIGHTING**

- 4.38 Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
- 4.39 Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

## **PLUMBING**

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



## **WATER SUPPLY**

- 4.43 Every dwelling and every building to which water is available under pressure through piping shall be provided with:
- 1) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
  - 2) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
  - 3) piping for cold water connected to every toilet and hose bib.

## **SEWAGE SYSTEM**

- 4.44 Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- 4.45 Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- 4.46 The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

## **VERMIN CONTROL**

- 4.47 Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.
2. Parts V, VI and VII of By-law No. 2002-18 are hereby renumbered as Parts VI, VII and VIII respectively and the following is added as Part V:

## **PART 5**

### **ADDITIONAL REQUIREMENT FOR RESIDENTIAL SHORT TERM ACCOMMODATION AND COMMERCIAL RESORT UNIT OCCUPANCY**

- 5.00 The following standards apply to those uses defined as a residential, short term accommodation and commercial resort unit by the applicable zoning by-law:

## **OCCUPANCY STANDARDS**

- 5.01 A non-habitable room shall not be used as a habitable room.
- 5.02 No kitchen shall be used as a bedroom.
- 5.03 The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- 5.04 Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.



5.05 No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:

- 1) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
- 2) each habitable room shall comply with all the requirements for ingress, egress,
- 3) light, ventilation and ceiling height set out in this Bylaw;
- 4) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water

#### **TOILET AND BATHROOM FACILITIES**

5.06 Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.

5.07 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.

5.08 All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.

5.09 No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

ENACTED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
E. Anderson, Mayor

\_\_\_\_\_  
C. Giles, Clerk

Thursday, February 13<sup>th</sup>, 2014

David Finbow-Director, Planning & Building Services

Mayor Anderson and Members of Council

32 Mill St. Box 310  
Thornbury, Ontario N0H 2P0

FEB 24/14  
NOTED AT  
PUBLIC MEETING.  
AF

**Re: Proposed Amendments to the Property Standards By-Law**

Dear Mr Finbow, Mayor Anderson and Members of Council,

**We have read through the public notice on proposed amendments to the TBM Property Standards By-Law and it is stated clearly that the proposed amendment addresses minimum maintenance and occupancy standards related to the interior of premises.** The primary goal of this proposed amendment is to ensure that the interior of rented residential dwellings, including heating, cooling and electrical systems, are maintained in a clean and adequate state of repair and free of hazards.

We have the following comments that would **defined as concerns** with this proposed amendment:

1. We feel that any bylaw amendment focusing its' intent on the improvement of or adherence to acceptable standards of the interior of a rental unit presumably would be based on the simple premise that those established standards should be applied on a municipal wide basis for all short term and long term rentals. All residential rental units within the municipality whether they be short term or long term or otherwise should be maintained in a clean and adequate state of repair and free of hazards. **Please provide comment on this issue ?**
2. The desired standards presumably would be based on a legislative standard such as The Ontario Building Code, the Electrical Code etc. as opposed to what appears on the surface to be undefined. The way the amendment reads with its lack of reference to any codes or legislation seems to be quite arbitrary in its viewpoint. We would therefore suggest a detailed list of the Laws and Codes be written into the amendment that would be the established benchmarks for such action being initiated. **Please provide comment on this issue ?**
3. As it relates to the STA Licensing Bylaw it seems that this amendment is a duplication of the terms and requirements built into the recently enacted STA Licensing bylaw ? **Please provide comment on this issue ?**
4. **We would seek a detailed list of what the Town Staff define as hazards ?**
5. **Does the Town have a detailed list of all the residential rental units operating within the Municipality ?** We can confirm there are thousands of such units so what mechanism exists or is proposed that would capture or identify this inventory ?

**6. So as to properly inventory or determine a count of these units within the Municipality will Town Staff be considering or proposing a rental licensing regime for all types of rental units as is the case in other Municipalities ? (ie.-Waterloo)**

In conclusion we feel that it is essential, should the Town wish to proceed, with the amendment that the same standards should be applied on a Municipal wide basis for all short term and long term rentals and residential rentals of ALL TYPES. Knowing what the Town staff have written as being the intent of this amendment it would only stand to reason that all rental units within the Municipality whether they be short term or long term should be maintained in a clean and adequate state of repair and free of hazards.

There should be no difference in the level of safety within the Municipality between a rental unit rented to a family that visits the area for a weekend getaway as compared to a seasonal rental, where a family rents a property for the winter ski season or, for that matter, on any residential rental unit that, for instance may be occupied by a Family or a single individual staying in our region for work purposes. It is fact that a rental unit is a rental unit and hazards and safety concerns do not have borders.

We look forward to hearing from Town Staff on the issues we raise. **Bylaws must apply to all those within a Municipality not a select or targeted few otherwise that bylaw can be found to be discriminatory or not effective in its stated intent.**

Thanks for your time and consideration.

Sincerely,

Stu Frith-VisitBlueMountain

Denis Martinek-Tyrolean Village Resorts

Sheldon Rosen-Lodges at Blue Mountain

Mark Faiz-Blue View Chalets

Jason Rubinoff & Isreal Ellis-Stay At Blue Mountain