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Debbie Young and Bobbi-Jo Duff

Proposed Property Standards By-law

Improving Community Quality and Safety

Introduction

What is a Property Standards By-law and why is it needed?

A Property Standards By-law sets minimum maintenance and occupancy standards for buildings, yards, and structures within a municipality.

The objective of the By-law is to maintain community standards, ensure proper use and habitability, protect health and safety, protect the environment, and to address aesthetic concerns and enable municipal enforcement.

Presentation Content:

Understanding why this By-law is in place

By-law Review Process

Review of the Municipal Act, Building Code Act and Residential Tenancies Act

What is being proposed?

A look at Property Standards complaints received by By-Law from 2022 to date

Conclusion

Comments or Questions

Let's understand why this By-law is in place

Property Standards By-laws are in place to serve several important purposes that benefit both the community and individual residents. Here's why they exist:

1. Protect Public Health and Safety

- Ensures that buildings and properties are structurally sound, free from hazards, and have proper sanitation, heating, ventilation, and pest control.
- Prevents unsafe living conditions that could pose risks to occupants or neighbours.

2. Preserve Property Values

- Helps maintain the visual appeal and quality of neighbourhoods by preventing neglect or deterioration.
- Keeps property values from dropping due to poorly maintained neighbouring properties.

Let's understand why this By-law is in place – Continued

3. Promote Community Well-being and Quality of Life

- Reduces nuisances like noise, garbage buildup, and derelict buildings or vehicles.
- Supports a clean, safe, and orderly environment for all residents.

4. Encourage Responsible Ownership

- Holds property owners accountable for maintaining their buildings and land to a minimum standard.
- Ensures landlords provide tenants with habitable and safe living conditions.

5. Support Urban Planning and Sustainability Goals

- Aligns with broader goals for sustainable development, heritage preservation, and efficient land use.

Let's understand why this By-law is in place – Continued

6. Provide Legal Tools for Enforcement

- Gives municipalities the authority to inspect, issue work orders, fine, or even repair properties at the owner's expense if they do not comply.
- Helps resolve disputes between tenants and landlords or neighbours over property condition.

In summary, property standards by-laws are a key municipal tool for ensuring that properties are safe, well-maintained, and beneficial to the overall health and appeal of the community.

By-law Review Process

We are Here

Research is completed to ensure the by-law abides by applicable legislation and is based on leading practices



Staff seek Council direction to proceed in having the by-law discussed at a public meeting



Public meeting occurs with a focus on community input



By-law is reviewed based on comments received inclusive of legal input



Draft by-law is presented at Committee of the Whole for discussion

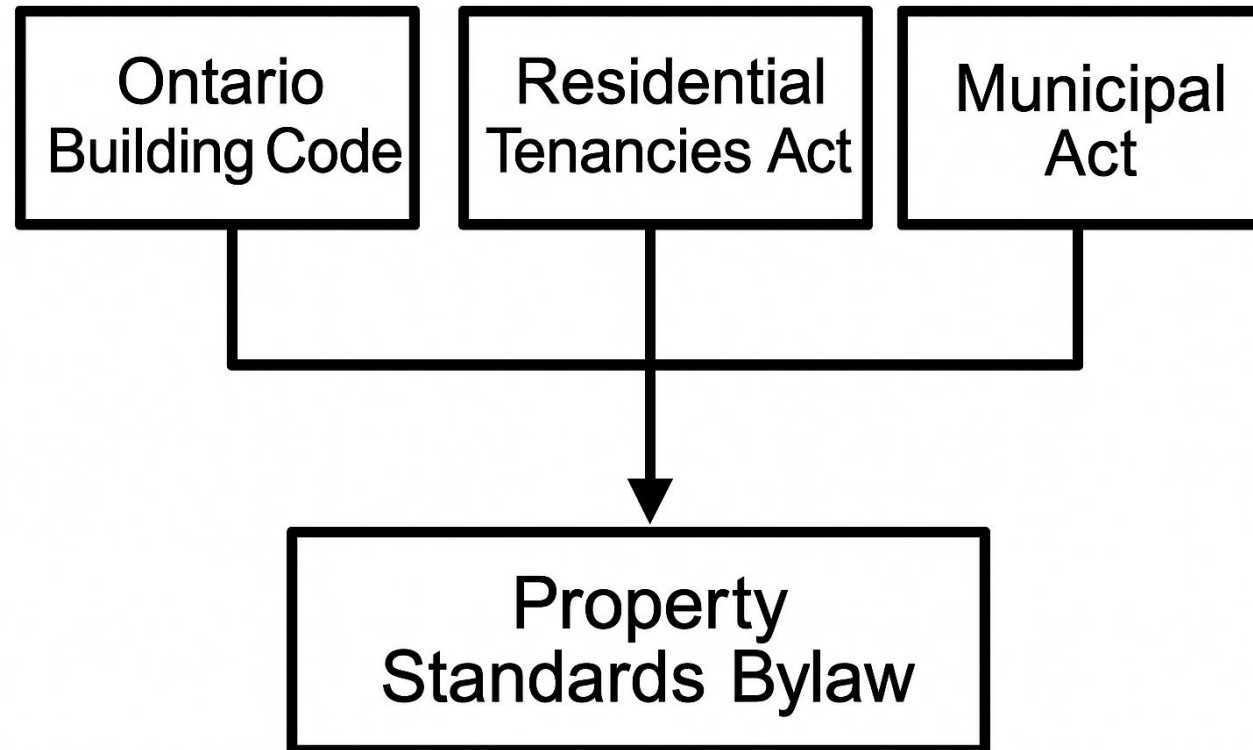


By-law is further reviewed based on Council and public input



By-law is presented before Council for a decision

Property Standards By-law



The Municipal Act

The Municipal Act, S.O. 2001, sets out the general jurisdiction to pass By-laws.

- Sections 10 & 11 of the Municipal Act set out types of matters for which municipalities may enact By-laws.

The Building Code Act

The Building Code Act is the Provincial legislation that sets out the authority for enforcing Property Standards

- Sections 15.1 to 15.8 of the Act include requirements regarding Municipal Property Standards.

Building Code Act – Property Standards

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).

What does this mean?

An officer may, upon producing proper identification, enter onto a property at a reasonable time without a warrant for the purpose of inspecting the property.

This does **NOT** include entering into a person's dwelling/home. A By-law Officer **MAY NOT** enter a dwelling without meeting specific criteria.

Specific Criteria:

- A by-law officer may enter a personal dwelling only under specific and legally defined grounds, often to protect the rights of property owners and residents. In most jurisdictions (such as Ontario or other Canadian provinces), entry into a dwelling unit by a by-law enforcement officer is tightly restricted and typically governed by legislation like the Municipal Act, Building Code Act, or local property standards by-law.

Grounds for Entering a Dwelling

1. Consent of the Occupant or Owner

- The by-law officer can enter the dwelling only if the occupant or owner voluntarily gives permission.
- Consent must be freely given and can be withdrawn at any time.

2. Warrant or Court Order

- If consent is not given, the officer must obtain a warrant from a justice of the peace or judge.
- The warrant allows lawful entry to conduct an inspection, investigation, or enforcement action under the By-law.

Grounds for Entering a Dwelling - Continued

3. Emergency Situations

- In cases where there is an immediate danger to health, safety, or life, a by-law officer may enter without a warrant (this is rare and requires justification after the fact).
- For example, if there is a serious fire hazard, gas leak, or unsafe structural condition.

4. Exterior Inspections (No Entry Required)

- A by-law officer can inspect the exterior of the property (e.g., yard, roof, exterior walls, visible violations) without entering the home or obtaining consent.
- This is typically how property standards investigations begin.

Building Code Act Section 16(1) - Entry to Dwellings

By-law Officers must always remember that the legislated right will always be subject to the scrutiny of the Canadian Charter of Rights and Freedoms.

By-law Officers conducting themselves beyond the scope of legislated authority may constitute an unlawful search, and/or the offence of Trespass to Property.

Building Code Act Section 16(1) Entry to Dwelling states that an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless.....

Building Code Act Section 16(1) - Entry to Dwellings

- i. The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- ii. A warrant issued under this Act is obtained;
- iii. The delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- iv. The entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10(3); or
- v. The requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8(6), to remove an unsafe condition under clause 15.9(6)(b) or to repair or demolish under subsection 15.4(1).

Residential Tenancies Act

The Residential Tenancies Act (RTA) is a legislative framework governing the responsibilities of residential landlords and tenants in Ontario. It provides a process for resolving landlord and tenant disputes.

- Came into effect on June 17, 1998 through the Tenant Protection Act (TPA).
- The TPA was repealed and replaced by the new RTA on January 31, 2007.

TPA amended the Planning Act and Building Code Act by removing Section 31 of the Planning Act and transferring the powers respecting municipal property standards bylaw enforcement to the Building Code Act (BCA section 15.1 to 15.8)

For municipalities that have Property Standards By-Laws, the Landlord Tenant Board can also order repairs to be completed.

What is being proposed?

Staff Report CS.25.026

The current Property Standards By-law is from 2002 and needs to be updated to comply with the standards of the current Provincial legislation in place (Building Code Act, Residential Tenancies Act, etc.)

Changes:

- Repeal the existing By-law and update it to include the entire Town of The Blue Mountains
- Transition infractions to the Town's Administrative Monetary Penalty (AMP's) system
- Enhanced definitions and sections of the By-law that cover vital services under the Building Code Act and the Residential Tenancies Act

Property Standards Cases

All property standards cases are driven by public complaints that have been submitted:

- 2022: 54 Cases
- 2023: 42 Cases
- 2024: 71 Cases
- 2025: 31 Cases (As of June 20, 2025)

What are some of the complaints?

- Tent/canopy being unsightly in neighbours yard, with white cover – complainant “does not like the look of it”
- “House appears neglected on outside and trampoline and deck chairs always floating around the property and there is garbage – it’s an eyesore”
- “Junk on the property for several years now, the lawn is hardly ever mowed. This is making my neighbourhood look bad”
- “Reporting the property looks to be in very poor condition”
- “Property has not had any work done on it for at least 9 months and there is a large hole with water all over. The water has drifted onto her property causing the driveway to erode”
- “Propane cannisters, fence down, just a mess”
- Plumbing/sewage, human waste backing up in shower
- Complaint about the condition of the property. Garbage, indoor appliances being used outside, cooking equipment, improper storage, and building materials stacked
- Boat, skids, port-a-potty, parts of a trailer on property

Some more complaints

- Rodent infestation, mouse droppings, fireplace not clean
- “Car being stored at side of house. Not acceptable in this residential area and has covenant restrictions”
- Mould in rental unit
- Electrical concerns and breakers blowing
- Garbage all over the front lawn
- Lots of dead trees complaints
- Numerous drainage complaints
- “My neighbours have junk at the side of their houses that makes our neighbourhood look like a junkyard” – tires, ladders, etc..

Interior inspections conducted – 5 (from 2022-2025)

- Report of mould in the basement of a rental unit. By-law Enforcement Officers partnered with the Fire Department to get compliance for the homeowner to clean up unit.
- Report of mould in the HVAC storage room of a house. By-law Enforcement Officers worked with the property owner to repair and rectify the issue.
- Complaint of water and human waste backing up in the shower. By-law Enforcement Officers worked with the landlord and property owner to address the issue.
- Report of electrical issues in the apartment of a garage. The breakers keep tripping, and the tenant was concerned that the apartment was not to standard. By-law Enforcement Officers partnered with the Building Department to address the issues.
- Report of mice in a hotel unit. By-law Enforcement Officers worked with hotel staff to verify the complaint.

Administrative Monetary Penalties and Orders to Comply

How will the process work?

What are Administrative Monetary Penalties (AMPs)?

AMPs are a regulatory tool used to enforce compliance with municipal by-laws, including property standards. Unlike traditional fines that go through the court system, AMPs are processed administratively by the municipality.

Key Features:

- Quicker enforcement than court-issued fines
- No court appearance required
- Transparent and standardized penalty amounts
- Can be appealed through an internal review process. However, this process is heard before a Screening and/or a Hearing Officer, who are third parties and are not Town employees.

Municipalities are transitioning to the AMP's process and in fact, the TBM has several AMP's processes in place in relation to current By-laws.

The Process

- a. Complaint comes in;
- b. Officer attends and investigates to confirm if a violation is found;
- c. Violation found – BCA Section 15.2(2) Authority to issue an Order:
 - i. Order To Comply issued to property owner to come into compliance with the by-law;
- d. Property owner has 15 days to appeal the Order To Comply. If no appeal submitted, the Order is deemed confirmed and binding;
- e. Order To Comply provides a set date to have property into compliance. Usually 29 days;
- f. If property owner does not comply with the order within time provided – this is a violation: “Fail to Comply with an Order” – New by-law will allow AMP to be issued for violation instead of a Provincial Offenses Fine;
- g. If property owner appeals Order To Comply – request sent to Property Standards Committee
 - i. Committee has powers to: confirm, modify, extend or rescind order.

More Information:

Who Will Be Affected

- Homeowners
- Landlords
- Tenants
- Commercial property owners

Enforcement and Penalties

- Outline how it will be enforced:
 - Inspections
 - Notices
 - Fines or penalties for non-compliance

CONCLUSION

- The Town's current Property Standards By-law is more than 22 years old, and with changing legislation, it was necessary to bring it up to date.
- In drafting the proposed By-law, staff are not recommending any changes that would extend the authority of by-law officers beyond what has been in effect for 22 years.
- In addition, the changes to the proposed By-law comply with applicable law and reflect best practices across the Province and are consistent with many different comparable municipalities, including the Town of Collingwood and the Municipality of Meaford.

Thank you for your time



For more information, please contact:

Debbie Young – Manager of By-law & Licensing

519-599-3131 ext. 242

dyoung@thebluemountains.ca
