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THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #411 (1977)

Being a by-law to prescribe standards for the
maintenance and occupancy of residential property.

WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to pass a by-law for prescribing standards for the maintenance and occupancy of residential property within the Town of Pelham and for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring residential property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition, and for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this by-law;

AND WHEREAS Section 36 of the Planning Act, R.S.O. 1970, Chapter 349, as amended, by R.S.O. 1970, Chapter 118, Section 7, provides authority for the enactment of such a by-law if an Official Plan that contains provisions relating to property conditions is in effect in a municipality;

AND WHEREAS there is such an Official Plan in effect in the Town of Pelham;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

PART 1 -

1.1 - Short Title -

This by-law shall be cited as the "PROPERTY STANDARDS BY-LAW."

PART 2 -

2.1 - Definitions for the Purpose of this By-law -

2.1.1 - "ACCESSORY BUILDING" means a detached or attached building which is subordinate to the main use of the lot and which is not used or intended for use as human habitation.

2.1.2 - "BASEMENT" means that portion of a building between two floor levels, with a minimum height of six feet four inches, which is partly underground, but which has at least one-half of its height from finished floor to finished ceilings above the average level of the adjoining ground.

2.1.3 - "BATHROOM" means a room containing at least a toilet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathtub or shower.

2.1.4 - "BEDROOM" means a habitable room used for sleeping purposes.

2.1.5 - "BOARDER" shall mean a person who is provided with meals or room and meals, regularly for pay.

2.1.6 - "BOARDING HOUSE" shall mean a house where meals or lodging and meals are provided for pay.

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2.1.7 - "CELLAR" means that portion of a building between two floor levels with a minimum height of six feet four inches, which is partially or completely underground, and which has more than one-half of its height from floor to ceiling below finished grade.

2.1.8 - "COMMITTEE" means the Property Standards Committee as set out in Part 7 of this by-law.

2.1.9 - "CORPORATION" means the Corporation of the Town of Pelham.

2.1.10 - "CRAWLSPACE" means that portion of a building between two floor levels, or between a floor level and the ground, with a minimum height of less than six feet four inches.

2.1.11 - "DWELLING" means a building or structure, any part of which is used or intended to be used for the purposes of human habitation, and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair.

2.1.12 - "DWELLING UNIT" means one or more rooms connected together as a separate unit in the same structure, and constituting an independant housekeeping unit for residential occupancy by human beings, for living and sleeping purposes.

2.1.13 - "FIRE CHIEF" means the Fire Chief of the Town of Pelham and shall include the Fire Prevention Officer.

2.1.14 - "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 with generally accepted standards as stated in the Ontario Building Code.

2.1.15 - "HABITABLE ROOM" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes, with a minimum height of seven feet, except as hereinafter expressly provided.

2.1.16 - "LODGING HOUSE OR ROOMING HOUSE" shall mean any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged, or institution, provided the hotel, hospital, home or institution is licensed, approved, or supervised under any general or specific Act.

2.1.17 - "MEDICAL OFFICER OF HEALTH" means the Medical Officer of Health for the Niagara Regional Health Unit.

2.1.18 - "MULTIPLE ATTACHED DWELLING" means a building that is divided vertically into more than two dwelling units, each of which has an independant entrance, and shall include terrace housing and row housing.

2.1.19 - "MULTIPLE DWELLING" means a building containing two or more dwelling units, other than a semi-detached dwelling.

2.1.20 - "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, communicating corridor, stairway, closet, cellar, recreation room, boiler room or other space for service and maintenance of the dwelling or for public use, or for access, or for vertical travel between storeys.

2.1.21 - "NOTICE" means a notice of violation given under Section 7.6 of this By-law.

2.1.22 - "OCCUPANT" means any person or persons over the age of eighteen years in possession of the property.

2.1.23 - "OFFICER" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.

2.1.24 - "ORDER" means an order made under Section 7.4 of this By-law.

2.1.25 - "OWNER" includes 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 his own account, or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

2.1.26 - "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.

2.1.27 - "REPAIR" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.

2.1.28 - "RESIDENTIAL PROPERTY" means any property that is used or is capable of being used as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment.

2.1.29 - "SEMI-DETACHED DWELLING" means a building vertically divided into two separate dwelling units, each of which has an independant entrance.

2.1.30 - "SEWAGE" means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution, but does not include roof water or other storm water runoff.

2.1.31 - "SEWERAGE SYSTEM" means the Town's sanitary sewerage system or a private sewage disposal system approved by the Ministry of the Environment or its agent (at present, the Niagara Regional Health Unit).

2.1.32 - "STANDARDS" means the standards set out in this By-law.

2.1.33 - "TOILET ROOM" means a room containing a water closet or toilet.

2.1.34 - "YARD" means the land other than publicly owned land, around and appurtenant to the whole or any part of a dwelling and used or intended to be used or capable of being used in connection with the said dwelling, whether or not the land is owned by the Owner of the dwelling.

PART 3 -

3.1 - Maintenance of Residential Property -

3.1.1 - Except as herein provided the standards set out in this By-law are prescribed as the standards for the maintenance of all residential property in the Town of Pelham and all residential property in the Town of Pelham shall be maintained in compliance with the standards.

3.1.2 - The use of residential property that does not conform to the standards is prohibited.

3.1.3 - Residential property below the standards prescribed by this by-law shall be repaired and maintained to comply with the standards or the land thereof be cleared of all buildings or structures and left in a graded or levelled condition, as required by notice given by the Officer.

3.2 - Pest Prevention -

3.2.1 - Dwellings shall be kept free of rodents, vermin, and insects, and methods used for exterminating such rodents, vermin, or insects, 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 and amendments thereto.

3.3 - Foundations -

3.3.1 - The foundation walls and the basement, cellar, or crawlspace floor of the dwelling shall be maintained in good repair and structurally sound condition, so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin, and insects. Without restricting the generality of this section, maintenance includes shoring of the walls, installing subsoil drains at the footing, grouting masonry, cracks, and waterproofing the walls or floor, if necessary to prevent dampness.

3.3.2 - 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 as will effectively exclude rodents, vermin, and insects.

3.4 - Condition of Dwelling -

3.4.1 - Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight, and any additional load to which it normally may be subject.

3.4.2 - Materials which have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

3.5 - Maintenance -

3.5.1 - Every floor, exterior wall, roof and porch or appurtenance of a dwelling shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the dwelling, or to the public.

3.6 - Exterior Surface -

3.6.1 - The exterior walls of a dwelling and their components shall be maintained so as to prevent their deterioration due to weather and

insects, and where necessary, shall be so maintained by the painting, restoring, or repairing of the walls, coping or flashing, by the waterproofing of joints.

3.6.2 - Exterior walls, roofs and other parts of a dwelling shall be kept free from objects or materials which have been improperly secured or which have become loose or insecure. Such objects or material shall be removed, properly secured or replaced.

3.7 - Roofs -

3.7.1 - The roof of a dwelling shall be maintained in a water tight condition so as to prevent leakage of water into the dwelling and where necessary, shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.

3.8 - Dampness -

3.8.1 - The floors, ceilings and walls of every dwelling shall be kept free of moisture, dampness and resulting fungus growths.

3.9 - Waterproofing -

3.9.1 - Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling, and rotted or damaged doors, door frames, window frames, sashes and casings shall be renewed, and defective door and window hardware, weather-stripping and broken window glass shall be replaced.

3.10 - Inside and Outside Stairs -

3.10.1 - Every inside or outside stair, 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 which 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.

3.10.2 - Every stairwell or stairway leading to a higher storey or to a basement with five or more risers, and every porch, balcony or landing more than thirty-six inches above an adjacent surface, shall be equipped with hand rails to balustrades, maintained in good repair so as to provide adequate protection against injury.

3.11 - Walls and Ceilings -

3.11.1 - Every wall and ceiling in a dwelling shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose plaster or other defects which would permit flame or excessive heat to enter a concealed space.

3.12 - Doors -

3.12.1 - Existing doors and frames shall be maintained in a sound operative condition.

3.12.2 - All egress doors must be capable of being locked and at
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least one entrance door in every dwelling unit shall be capable of being locked from both inside and outside.

3.12.3 - New doors shall comply with the requirements of the Ontario Building Code, 1974.

3.13 - Floors -

3.13.1 - Basements, cellars, and crawlspace shall have a floor or ground cover, in compliance with By-law #361 (1976), as amended.

3.13.2 - Every floor in a dwelling shall be smooth and level, and shall be maintained in good repair so as to be free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surface or surfaces in a dangerous condition, or surfaces that might admit rodents into a room, and all defective floor boards shall be repaired, replaced, or removed.

3.13.3 - The floor of every bathroom, shower room, and toilet room shall be so maintained as to be water resistant, and readily cleaned.

3.14 - General Cleanliness -

3.14.1 - Every floor, wall, ceiling, furnishing and fixture in a dwelling shall be maintained in a sanitary condition, and the dwelling shall be kept free from rubbish and debris.

3.15 - Storage Space -

3.15.1 - Every dwelling unit shall be provided with space for the storage of linen and clothes. This may include free standing wardrobes and/or satisfactory hook racks.

3.15.2 - Every dwelling unit shall be provided with space for general storage. In a multiple dwelling such space may be in a communal general storage area.

3.16 - Access to Enclosed Space -

3.16.1 - An access opening of at least one foot eight inches, by two feet four inches shall be provided to every crawlspace or other enclosed space, and to every attic and roof space exceeding two feet in height.

3.17 - Water -

3.17.1 - Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

3.17.2 - Every sink, wash basin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.

3.17.3 - Every water heater installed for the purpose of supplying hot running water to the occupants of a dwelling unit, shall be capable of heating water to a temperature of 46 degrees **Celsius**.

3.17.4 - A supply of water sufficient to adequately flush the toilet shall be supplied to every toilet.

3.18 - Sewerage System -

3.18.1 - Every plumbing fixture in every dwelling shall discharge the water, liquids or sewage into drainage piping which shall be connected to a municipal sewerage system, or a system approved by the Ministry of the Environment or its agent (at present, the Niagara Regional Health Unit).

3.19 - Plumbing -

3.19.1 - All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling, and every connecting line to the sewerage system, shall be maintained in good repair and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

3.19.2 - All plumbing, plumbing fixtures, and piping shall conform to all Provincial legislation and regulations, and to municipal by-laws.

3.20 - Toilet and Bathroom Facilities -

3.20.1 - Every dwelling unit (except as otherwise provided in Section 3.20.2) shall contain plumbing fixtures consisting of at least one of each of the following:

- (a) a toilet,
- (b) a sink, and
- (c) a bathtub or shower

3.20.2 - The occupants of not more than two legal non-conforming dwelling units, as defined in the applicable area zoning by-law, may share a single bathroom, provided:

- (a) a total of not more than ten persons occupy the dwelling units, and
- (b) access to the bathroom can be gained without going through habitable rooms of another dwelling unit or through an open area which is not normally heated during the season in which heat is required.

3.20.3 - All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.

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

3.20.5 - No toilet or urinal shall be located within a room that is used for:

- (a) the preparation, cooking, storing, or consumption of food, or
- (b) sleeping purposes.

3.21 - Kitchen Facilities -

3.21.1 - A cooking space with an adequate and approved heat supply shall be provided for each dwelling unit.

3.21.2 - There shall be a clear space above any exposed cooking surface of a cooking apparatus of at least twenty-four inches, or as required pursuant to the regulations pertaining to the fuel or energy used in the cooking apparatus. The cooking apparatus must conform to

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the appropriate Provincial regulations governing the type of fuel being used for such cooking apparatus.

3.22 - Heating System -

3.22.1 - Every dwelling shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions, of 21 degrees Celsius in all habitable rooms, bathrooms, and toilet rooms which are in use, between the 15th. day of September in each year and the 31st. day of May of the following year.

3.22.2 - The heating system required by Section 3.22.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

3.22.3 - No room heater shall be placed so as to cause a fire hazard to walls, curtains or furniture and shall not impede the free movement of persons within the room where the heater is located.

3.22.4 - All heating apparatus or equipment involving combustion shall be properly connected to a chimney or flue by a permanently sealed connection.

3.22.5 - All cooking apparatus or equipment involving combustion which requires a connection to a chimney or flue shall be properly connected to a chimney or flue by a permanently sealed connection.

3.22.6 - All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.

3.22.7 - All gaseous and liquid fuel burning appliances, and equipment in a dwelling shall comply with the Energy Act, 1971, as amended.

3.22.8 - Solid fuel-fired barbecues shall not be used within a multiple dwelling, including balconies.

3.23 - Furnace Room - Air Supply and Fuel Storage -

3.23.1 - A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.

3.23.2 - Where a heating system, or part of it, or any auxiliary heating system, burns solid 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 from fire or accident hazards.

3.23.3 - Fire dampers, where required, shall be installed and maintained.

3.24 - Chimneys -

3.24.1 - Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a vent pipe, or similar adequate chimney subject to Section 3.22.4, and in accordance with the provisions of the Energy Act, R.S.O. 1970, Chapter 27 and amendments thereto, and the regulations made thereunder..

3.24.2 - Every chimney, smoke pipe, flue and gas vent actually in

use on a dwelling, shall be maintained so as to prevent the escape of gases into the dwelling. Without limiting the generality of the foregoing, maintenance shall include keeping all open joints sealed, and repairing all broken and loose masonry. Every chimney, smoke pipe, flue and gas vent on a dwelling shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom, or in contact therewith, does not exceed a safe temperature.

3.24.3 - Every chimney, smoke pipe, flue and gas vent actually in use or available for use shall be kept clear of obstruction.

3.25 - Fireplaces -

3.25.1 - Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues and gas vents, and shall be installed so that nearby adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature.

3.26 - Electrical Service Installation -

3.26.1 - Electrical wiring conduit and electrical services in every dwelling shall be in compliance with and maintained according to the regulations made by the Hydro-Electric Power Commission of Ontario, pursuant to the Power Commission Act, and lighting equipment shall be installed throughout the dwelling so as to provide an adequate illumination for the intended use of each space. When in the opinion of the Property Standards Officer, the electrical system does not comply with the requirements of the Hydro-Electric Power Commission of Ontario, the Property Standards Officer shall so inform the supervisor of Electrical Inspection of the Hydro-Electric Power Commission of Ontario.

3.26.2 - Fuses or overload devices shall not exceed limits set by the Hydro-Electric Power Commission of Ontario.

3.26.3 - In every dwelling, an adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.

3.26.4 - All common halls and stairs in multiple dwellings shall be continuously lighted by a minimum of ten foot candles of light.

3.27 - Ventilation -

3.27.1 - Every habitable room shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of three square feet, and shall be located in the exterior walls or through skylight openings of roof ventilators. Openings shall be adequately screened to prevent the entry of insects.

3.27.2 - An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes air once each hour.

3.27.3 - Every bathroom or room containing a toilet or urinal, shall be provided with an opening or openings for natural ventilation located in an exterior wall, or through skylight openings and all such

openings shall have a minimum aggregate, unobstructed free flow of one square foot. Openings shall be adequately screened to prevent the entry of insects, vermin, and rodents.

3.27.4 - An opening for natural ventilation may be omitted from a bathroom or room containing a toilet or urinal, where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling.

3.27.5 - All systems of mechanical ventilation shall be maintained in good repair.

3.27.6 - Every basement or cellar or crawlspace shall be vented to the outside air by means of screen windows, which can be opened, or by louvres with screen openings, the area of which shall not be less than one square foot for every five hundred square feet of enclosed area.

PART 4 -

4.1 - Fire And Accident Protection -

4.1.1 - The provisions of Part 4 of this by-law prescribe standards for the repair and maintenance of equipment designed and installed primarily for the life safety of occupants in the event of fire or accident.

4.2 - Fire Protection Equipment -

4.2.1 - Fire alarm systems and ancillary devices, standpipe and hose systems, sprinkler systems, automatic fire extinguishing systems, smoke control systems, voice communication systems, exit and emergency lighting equipment and first aid fire extinguishers shall be maintained in good working order and repaired when necessary to comply with the provisions of the National Fire Code of Canada, 1975, as amended.

4.2.2 - 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 issuance of an order in respect to such equipment.

4.3 - Fire Separations -

4.3.1 - The integrity of all fire separations, fire walls, and fire doors shall be maintained in a state of repair at all times, so that they will perform their intended function in the event of fire.

4.4 - Egress -

4.4.1 - Every dwelling and each dwelling unit within it shall have a safe continuous and unobstructed passage from the interior of the dwelling unit to the outside of the dwelling at street or grade level.

4.4.2 - Where a 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.

4.4.3 - A required exit shall not pass through an attached garage,

a built-in garage, or an enclosed part of another dwelling unit.

4.4.4 - A means of egress from a dwelling or dwelling unit shall be kept clean and free from rubbish or other debris that might create a fire or accident hazard. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

PART 5 -

5.1 - Maintenance of Yards -

5.1.1 - All yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard.

5.1.2 - All yards shall be kept free from excessive growth of weeds and grasses. Noxious plants, as defined in the Noxious Weeds Act, shall be eliminated from all yards.

5.1.3 - Any vehicle, including a boat or trailer or part thereof, which is in a wrecked, discarded, dismantled, partly dismantled, inoperative, or abandoned condition shall not be parked, stored, or left in a yard, but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is actively carried on.

5.2 - Drainage -

5.2.1 - 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 or cellar.

5.2.2. - Sewage shall be discharged into the sewerage system as provided in Section 3.18.1 - and sewage of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.

5.3 - Walks -

5.3.1 - 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.

5.4 - Fences and Accessory Buildings -

5.4.1 - Accessory buildings and all fences shall be kept in good repair and free from fire, health, or accident hazards.

5.4.2 - Where an accessory building or a yard is found to harbour noxious insects or rodents, all necessary steps shall be taken to eliminate such insects or rodents, and to prevent their recurrence.

5.4.3 - Where an accessory building is not maintained in accordance with these standards, it shall be repaired or removed from the yard.

5.5 - Garbage Disposal -

5.5.1 - Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.

5.5.2 - All household garbage and refuse shall be stored in a sanitary manner in containers and made available for removal, in accordance with By-law #104 (1971) of the Town of Pelham, and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a fire, health, or accident hazard.

5.5.3 - Outside receptacles shall be:

- (a) made of a water tight construction,
- (b) provided with a cover adequate to prevent the escape of garbage, refuse and debris, and
- (c) maintained in a clean state.

PART 6 -

6.1 - Occupancy Standards -

6.1.1 - The maximum number of occupants in a dwelling unit shall not exceed one person per one hundred square feet of habitable room floor area.

6.1.2 - For the purpose of computing the habitable floor area, the floor area under a ceiling which is less than seven feet high shall not be counted unless there is a sloping ceiling.

6.1.3 - A bedroom shall be a habitable room and no hallway shall be used as a bedroom.

6.1.4 - (a) No room in a dwelling unit shall be used as a bedroom unless it has a minimum width of six and one-half feet and a minimum floor area of sixty square feet, and a room used as a bedroom by two or more persons shall have a floor area of at least forty square feet for each person using the room.

(b) At least one-half of the required minimum floor area shall have a ceiling height of seven feet, and no floor area with a ceiling height of less than four feet, six inches, shall be counted.

6.1.5 - A non-habitable room shall not be used as a habitable room.

PART 7 - ADMINISTRATION AND ENFORCEMENT -

7.1 - Application -

7.1.1 - This by-law shall apply to all residential property within the limits of the Town of Pelham.

7.1.2 - Where a provision of this by-law conflicts with a provision of another by-law in force in the Town of Pelham, the provision of this by-law shall prevail.

7.1.3 - If any section of this Property Standards By-law is for any reason held to be invalid, that section shall be deemed to be severable and the remaining sections shall remain in effect until repealed.

7.2 - Officers -

7.2.1 - The Office of the Property Standards Officer is hereby created and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this by-law, subject to review by the Property Standards Committee.

7.2.2 - The Property Standards Officer may, from time to time, designate other persons to act as his assistants in the administration and enforcement of this by-law.

7.2.3 - The Property Standards Officer and any person acting under his instructions may at all reasonable times and upon producing proper identification, enter and inspect any residential property.

7.2.4 - The Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling, without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of the Summary Convictions Act.

7.3 - Notice of Non-Conformity -

7.3.1 - If, after inspection, the Officer is satisfied that in some respect the property does not conform to the standards prescribed in this by-law, the Officer shall issue and serve or cause to be served by personal service or send by prepaid, registered mail, a Notice of Non-Conformity.

7.3.2 - The notice shall be served upon or mailed to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office, and the Sheriff's Office, to have any interest therein, and may at the same time, provide all occupants with a copy of such notice.

7.3.3 - The notice shall state:

- (a) that the property does not conform to the standards prescribed in this by-law,
- (b) the particulars of non-conformity,
- (c) the date, time and place of a hearing to be held by the Officer to hear representations,
- (d) that any person served with the notice, or his representative is entitled to appear at the said hearing and make such representation and present such evidence as he so desires, and that in the event he does not appear at the said hearing, a decision may be made by the Officer in his absence,
- (e) the address of the Officer for service,
- (f) any person affected by an Order made by the Officer pursuant to the Notice, has the right of appeal to the Property Standards Committee and stating the manner in which such an appeal be made,
- (g) any other information which the Officer deems necessary.

7.4 - Orders -

7.4.1 - After the time afforded by the Notice for making representations, the Officer may make and serve or cause to be served or sent by prepaid,

registered mail, to the Owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office, and the Sheriff's Office, to have any interest therein, an Order.

7.4.2 - The Order shall contain:

- (a) the municipal address or the legal description of the property,
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition,
- (c) the period in which there must be a compliance with the terms and conditions of the Order,
- (d) notice that, if such repair or clearance is not done within the time specified in the Order, the municipality may carry out the repair or clearance at the expense of the Owner, and
- (e) the final date for giving Notice of Appeal from the Order.

7.4.3 - The Officer may grant an extension of the time limited for compliance with any Order given by him pursuant to the provision of this by-law, provided there is evidence of intent to comply with any such Order, or that conditions exist which, in the opinion of the Officer, prevent immediate compliance.

7.5 - Service -

7.5.1 - A Notice under Section 7.3.1 or an Order under 7.4.1 when sent by registered mail, shall be sent to the last known address of the person to whom it is sent.

7.5.2 - If the Officer is unable to effect service under Section 7.3.1 or Section 7.4.1, he shall place a placard containing the terms of the Notice or Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice or Order on the Owner or other persons, and no other person shall pull down, obstruct, or deface such placard.

7.5.3 - An Order under Section 7.4.1 may be registered in the proper Registry Office or Land Titles 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 date on which the Order was served under Section 7.4.1. When the requirements of the Order are found by the Officer to have been satisfied, the Officer shall, forthwith, register in the proper Registry Office or Land Titles Office, a certificate that such requirements have been satisfied, which certificate shall operate as a discharge of such Order.

7.5.4 - Following an inspection of a property, the Officer may, or on the request of the Owner, shall issue to the Owner a certificate of compliance, if, in his opinion, the property is in compliance with the standards of this by-law. The fee for such a certificate issued at the request of the Owner shall be \$10.00.

7.6 - Property Standards Committee -

7.6.1 - The Property Standards Committee is hereby established which shall consist of not less than three ratepayers of the Town of Pelham, who shall hold office for a term of two years, except that in making the first appointments to the Committee, the Council shall designate members who shall hold office:

- (a) until the first day of January of the year following the date of appointment,
- (b) until the first day of January of the second year following the date of appointment, and
- (c) until the first day of January of the third year following the date of appointment,

respectively, so that as nearly as possible, one third of the members shall retire each year.

7.6.2 - Members shall hold office until their successors are appointed and are eligible for reappointment. When a member ceases to be a member before the expiration of his term, the Council shall appoint another person for the unexpired portion of that term.

7.6.3 - A member of the Council of the Town of Pelham or an employee of the Town of Pelham or of a local Board thereof, shall not be eligible to be a member of the Committee, but a teacher employed by a Board of Education or School Board is not deemed to be an employee for the purpose of this section.

7.6.4 - The members of the Committee shall elect one of themselves as Chairman. When the Chairman is absent through illness or otherwise, the Committee may appoint another to act as Chairman pro-tempore. The Committee shall make provision for a Secretary for the Committee. Any member of the Committee may administer oaths.

7.6.5 - The Secretary shall keep on file minutes and records of all applications and the decisions thereon, and of all other official business of the Committee, and Section 217 of the Municipal Act applies mutatis mutandis to such documents.

7.6.6 - The members of the Committee shall be paid such compensation as Council may, from time to time, provide.

7.6.7 - A majority of the Committee constitutes a quorum. The Committee may adopt its own rules or procedure, but before hearing an appeal under Section 7.7.2 shall give notice or direct that notice be given of such hearing, to such persons as the Committee consider should receive such notice.

7.7 - Appeal to Property Standards Committee -

7.7.1 - Where the Owner or occupant or any person affected by an Order under Section 7.4.1 upon whom an Order has been served in accordance with Section 7.5.1, is not satisfied with the terms or conditions of the Order, he may appeal to the Committee by sending Notice of Appeal, by registered mail to the Secretary of the Committee within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

7.7.2 - Where an appeal has been taken, the Committee shall hear the appeal within fourteen (14) days, and shall have all the powers and functions of the Officer, and may confirm the Order to demolish and repair, or may modify or quash it, or may extend the time for complying with the Order, provided that in the opinion of the Committee the general intent and purpose of the by-law and of the Official Plan are maintained.

7.7.3 - The Committee shall cause a copy of the decision of the Committee to be sent to the Owner and the occupants, and to any person affected by the decision, at their last known addresses, and to the Officer, by prepaid, registered mail, within fourteen (14) days of the decision.

7.8 - Appeal to County Court -

7.8.1 - The Corporation of the Town of Pelham or any Owner or occupant or person affected by a decision under Section 7.7.2, may appeal to the Judge of the County Court for the Judicial District of Niagara South by so notifying the Clerk of the Corporation in writing, and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision.

7.8.2 - The Judge shall, in writing, appoint a day, time, and place for the hearing of the appeal, and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

7.8.3 - The appointment shall be served in the manner prescribed by the Judge.

7.8.4 - The Judge on such appeal has the same powers and functions as the Committee.

7.9 - Finality of Order -

7.9.1 - The Order as deemed to have been confirmed pursuant to Section 7.7.1 or as confirmed or modified pursuant to Section 7.7.2, or, in the event of an appeal pursuant to Section 7.8.1 as confirmed or modified by the Judge, shall be final and binding upon the Owner and occupants, who shall make the repair or effect the demolition within the time and in the manner specified by the Order.

7.10 - Remedies -

7.10.1 - Where an Order has been served or sent out pursuant to Section 7.4.1, the Owner of the property shall repair and maintain the property to the satisfaction of the Officer or clear the property and leave it in a graded and levelled condition, in accordance with the particulars set forth in the Order.

7.10.2 - Following the issuance of the Order, the Officer may issue a Notice prohibiting the use of the property that does not conform to standards.

7.10.3 - The Officer may cause to be placed in a prominent position on the property which does not conform to the standards contained in this by-law, a placard stating that such property does

con't,....

not conform to the minimum standards set out in this by-law and in what particulars it fails to conform to the standards, and no person shall pull down, obstruct, or deface such placard.

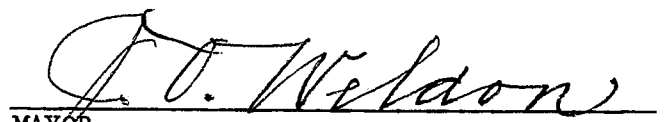
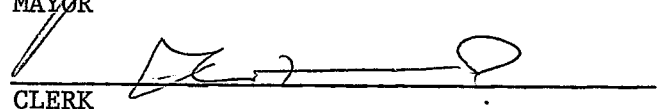
7.10.4 - If the Owner or occupant of the property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies shall:

- (a) have the right to demolish or repair the property accordingly, and for this purpose with its servants and agents from time to time, to enter in and repair the property, and
- (b) not be liable to compensate such Owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation, in order with the provisions of this section.


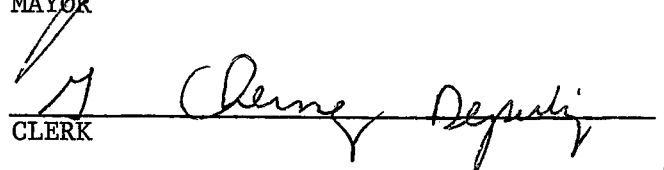
7.10.5 - Where the Corporation, its servants or agents demolishes or repairs property pursuant to Section 7.10.1, the Corporation may recover the expenses it incurs in so doing by action or in like manner as municipal taxes.

7.10.6 - Every Owner who contravenes any provision of this by-law is guilty of an offence and is liable upon summary conviction to a fine of not more than \$300.00 (Three Hundred Dollars) for each day that he is in contravention of an Order that is final and binding.

READ A FIRST AND SECOND TIME
THIS 18th. DAY OF April, 1977.


MAYOR

CLERK

READ A THIRD TIME AND FINALLY
PASSED BY COUNCIL, THIS 30th.
DAY OF May, 1977.


MAYOR

CLERK