



Committee of the Whole Agenda

Tuesday, October 13, 2020

Immediately Following Council
Virtual meeting via Zoom

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Suggested Motion:

THAT the agenda be accepted as presented.

3. DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

4. REPORTS

Planning and Protection

a. Development Permit By-law Housekeeping Amendment - Update (Communication 131108)

4

Niki Dwyer, Director of Development Services

Suggested Motion:

THAT Council directs staff to prepare a draft "Development Permit By-law Amendment" and commence consultation processes in accordance with the Planning Act.

b. Taber Street Subdivision Extension - 3rd Request (Communication 131109)

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Niki Dwyer, Director of Development Services

Suggested Motion:

THAT Council supports a one (1) year extension of the Draft Approval for the Taber Street Subdivision; and

THAT Staff be instructed to inform the County of Lanark.

c. **Proposed Changes to Property Standards By-law 65-2008
Communication 131110)**

22

Pascal Meunier, Director of Protective Services

Suggested Motion:

THAT Council approve the revised Property Standard By-law which will repeal By-law 65-2008.

d. **Purchase of Speed Spy Camera (Communication 131111)**

76

Pascal Meunier, Director of Protective Services

Suggested Motion:

THAT Council authorizes the purchase of a floor model Decatur Electronic SpeedSpy from DAVTECH Analytical Services (Canada) Inc. at a cost of \$2,000 plus HST and freight with the budget deviation be paid from savings in the 2020 bike patrol contract.

5. **NEW/OTHER BUSINESS**

6. **COMMITTEE, BOARD AND EXTERNAL ORGANIZATION UPDATES**

a. **Committee Resignations**

- Resignation of Ron Wood from Urban Forest/River Corridor Committee

Suggested Motion:

THAT the resignation of Ron Wood from the Urban Forest/River Corridor Committee be accepted with regrets; and

THAT a letter of thanks be sent to Mr. Wood on behalf of the Town and Council.

7. **INFORMATION LISTING**

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- Financial Information Return Recognition Awards, Ministry of Municipal Affairs and Housing
- Letter of thanks to Local Health Unit, County of Lanark
- Parkland Dedication, Development Charges and the Community Benefits Charges Authority, Ministry of Municipal Affairs and Housing
- Anti-Racism Initiatives, Solicitor General of Ontario

Suggested Motion:

THAT the Information Listing dated October 13, 2020, be received as information

8. NOTICE OF MOTIONS

9. CLOSED SESSION

Suggested Motion:

THAT the Committee move into closed session at _____ p.m. to discuss matters subject to:

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

1. Contract Negotiations
2. Cost Sharing Agreement
3. Statement of Claim

AND THAT Diane Smithson, CAO, Stacey Blair, Clerk, Dave Young, Project Manager (Item 1 only) and Emma Blanchard, Solicitor, participate in the teleconference.

10. RISE AND REPORT

Suggested Motion:

THAT the Committee return to regular session and report progress at _____p.m.

11. ADJOURNMENT

Suggested Motion:

THAT the meeting be adjourned at ____p.m.

COMMUNICATION 131108

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: October 13, 2020
Topic: Development Permit By-law Housekeeping Amendment
– Progress Update

SUMMARY

Staff commenced the formal public consultation process under the Ontario Planning Act respecting a “Housekeeping Amendment” and update of the existing Development Permit By-law in January 2020.

The existing Development Permit By-law was approved by Council in 2015 and has not been subject to substantial amendment since that time. The 2020 Amendment was proposed to: clarify existing policies that have been subject to misinterpretation, add additional definitions, and update the policy to be consistent with legislative changes enacted by the Province of Ontario.

Following an initial public meeting conducted on March 3, 2020 and further to substantial comments reviewed from major developers in Carleton Place, the Amendment was placed on hold by Council on March 10 in order to permit a more robust review of the proposed amendment.

COMMENT

The Director of Development Services has reviewed the content of the proposed Amending By-law, consulted with the in-house planning consultant and Development Review Team, and reviewed the comments previously submitted during the public consultation period earlier this year.

On September 17, 2020 the Director conducted a Virtual Town Hall with identified developers and builders who had provided comments respecting the scope and proposed policies. Minutes of the meeting are attached to this report for Council's reference.

At this time, staff recommend that Committee direct the Planning Department to commence a new consultation process in accordance with the Ontario Planning Act including a drop-in Open House (similar to the Bridge Street Redevelopment which was undertaken on September 16) and a Virtual Public Meeting. COVID-19 social distancing measures will be required, and the viability of an in-person Open House will be assessed in accordance with the Health Unit's recommendations closer to the meeting date.

The scope of the Amendment will include many of the proposed changes that were previously identified by staff with the notable exclusion of the following:

- An increased front yard setback for residential dwellings;
- Limitations on the number of townhome blocks in a row;

- Limitations on the adjacency of townhome blocks on opposite sides of the street.

With the concurrence of Council, staff will complete a “track-change” draft of the proposed Amendment which will be circulated to Council, previous participants in the process and publicly at the time of Notice of Consultation.



Once the public process commences, there may be a need to assess the proposed changes or include additional amendments. Staff will evaluate and include an analysis of each public comment received to assess how the proposed amendment addresses the concerns.

Housekeeping Amendments are a recommended practice and in some cases are statutory requirements to ensure that planning policy is consistent and in conformity with the Official Plan, Provincial Policy Statement and Planning Act. As a result, it is strongly encouraged that Council proceed with the present Housekeeping Amendment to bring the Development Permit By-law in compliance with applicable law.

Staff anticipates this will be the last opportunity to perform such a review until the statutory Development Permit By-law amendment scheduled to follow the 10-year Official Plan Review currently underway. The statutory Development Permit By-law Amendment is proposed to take place in 2023 in accordance with the Long-term Capital Plan.

With Council’s direction, staff anticipates the following timeline for consultation:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sunday
October 11	October 12	October 13	October 14	October 15	October 16	October 17
		Direction from Council			Notice of Amendment Posted	
October 18	October 19	October 20	October 21	October 22	October 23	October 24
←		Track-change By-law Available for Viewing			→	
October 25	October 26	October 27	October 28	October 29	October 30	October 31
→				Open House		
November 1	November 2	November 3	November 4	November 5	November 6	November 7
←		Open House Material Posted Online			→	
November 8	November 9	November 10	November 11	November 12	November 13	November 14
		Public Meeting	Public Meeting Material Posted Online			
November 15	November 16	November 17	November 18	November 19	November 20	November 21
	←	Staff to analyze comments received			→	

November 22	November 23	November 24	November 25	November 26	November 27	November 28
		Staff to prepare final track change By-law				
November 29	November 30	December 1	December 2	December 3	December 4	December 5
			Staff report with Comments Analysis and final draft By-law posted publicly			
December 6	December 7	December 8	December 9	December 10	December 11	December 12
		Staff Present Final Report to Council				

Should Committee be satisfied with the proposed amendment, staff will prepare the final amending text to come forward at the first Council meeting in January 2021. Following a decision to approve or deny the proposed amendment, staff will circulate a formal Notice of Decision in accordance with the Planning Act which includes a 20-day appeal period, where any party who has participated in the public process may choose to appeal the decision of Council to the Local Planning Appeals Tribunal should they disagree with the decision.

Staff anticipates that with appropriate consideration and discussion of concerns or comments from the public, an appeal is unlikely or can be managed through mediation.

STAFF RECOMMENDATION

THAT Council directs staff to prepare a draft “Development Permit By-law Amendment” and commence consultation processes in accordance with the Planning Act.

**Housekeeping Amendment Bylaw
Virtual Town Hall**

Summary of Discussion

September 17 2020

Attendees: Michael Polowin, Steve Pentz, Ben Clair, Adam O'Connor, Sarah Butts, Charles Wisemen, John Angelosante, Patrick Therrien, Andreas Foustanelas, Annibale Ferro

Staff in Attendance: Niki Dwyer, Tyler Duval

Ms Dwyer opened the meeting at 1:00pm by summarizing the purpose of the meeting; to facilitate an open discussion regarding certain sections of the proposed housekeeping amendment previously published by Ms. Joanna Bowes, Manager of Planning.

Mr Polowin requested confirmation on the status of previous proposed changes to restrictions on the number of consecutive townhomes and their proximity within the subdivision. Ms Dwyer indicated that the direction from Council was to remove the previously proposed provisions to limit the number and location of townhomes. Mr Polowin indicated that if that was the case he had no comments and left the meeting at 1:03pm.

Referring to the provided powerpoint presentation (attached) Ms Dwyer reviewed changes to certain provisions which directly impact residential subdivision development:

1. Permitted Projections:

Issues exist with the lack of clear provisions for deck projections – particularly within the rear yard wherein decks are required to meet the 8m setback of a primary structure. The proposed revisions will introduce reduced setbacks to rear yards for structures of various heights. New provisions will also be introduced respecting balconies.

Ms Dwyer opened the floor to questions and comments. No comments were provided.

2. Secondary Dwelling Unit Provisions:

The current policy permits 1 accessory dwelling within a single, semi or townhome unit or in an auxiliary structure. These provisions do not comply with the More Homes More Choice legislation. Policies are being introduced to permit up to 2 accessory units (1 inside and 1 in an auxiliary structure) provided the units meet certain prescribed performance standards (ie. lot coverage, dwelling unit size, and entrance locations).

Ms Dwyer opened the floor to questions and comments. No comments were provided.

3. New Proposed Uses:

A variety of new proposed uses in the various zones. Notably in the residential zones this will include temporary model homes, home-care and schools.

Ms Dwyer opened the floor to questions and comments. No comments were provided.

4. Parking Provisions:

The existing provisions require that each single, semi or townhome provides two spaces (which may be tandem spaces). The spaces must meet minimum area sizes of 6m x 2.75m. Driveway widths cannot exceed ranges of 45-60% of lot frontage.

The existing subdivisions have a variety of challenges with parking including that:

- People dislike tandem parking
- No one uses their garage for parking
- Narrow frontages and wide driveways mean that there is limited opportunity for on-street parking
- Narrow road allowances maximize land for lots - but it means the streets are too tight for parking on both sides of the road
- Families have more than 2 vehicles

Ms Dwyer opened the floor to comments and possible solutions to the existing challenges with both the provisions of the bylaw and the long-term parking challenges within the subdivisions.

Mr Clair commented that the Municipality should make use of a clause in Subdivision Agreements to prescribe that residents make use of their parking spaces within garages rather than expanding driveways or parking on-street. He noted that it is also helpful that the Municipality is now including on-street parking plans as part of their subdivision review process as this will help provide sufficient “visitor parking”. He similarly suggested that “visitor parking lots” in subdivisions is less desirable unless the municipality is prepared to take the land as part of a cash-in-lieu contribution similarly to parkland dedications.

Mr Foustanelas asked a question regarding the ability to accommodate a sunken landing/steps between the garage and the dwelling in his model of dwellings. Ms Dwyer indicated that she didn’t understand the specifics of the question and invited Mr Foustanelas to engage in a separate conversation after the meeting for the site specific question.

Mr Clair noted that he had noticed some municipal bylaws not an accepted permitted projection into private garage parking spaces of 0.5m in order to accommodate steps. Hamilton’s bylaw was noted as a specific example.

5. Additional Policy Considerations:

Ms Dwyer indicated that the intent of the housekeeping bylaw was to clarify policies which have been subject to misinterpretation or frequently pose issues for implementation. She invited attendees to provide recommendations for revision as part of the review.

Mr Clair noted that he had provided comments in writing on behalf of his clients, however in summary his comments include the following:

- The bylaw should find a balance between contemplating all potential issues and addressing matters of public interest;
- Interpretation of the policy should be the discretion of the Director in order to ensure consistent interpretation of the provisions;
- The design guidelines included in the bylaw should use less prescriptive language and be treated as guidelines rather than performance standards. A legal review of the authority of the design guidelines was encouraged.

No further comments by the attendees were provided.

Ms Dwyer suggested that attendees contemplate their experience with the implementation of the bylaw as well as their experiences with the planning department over the last several years and provide further comments in writing for consideration in the review.

In conclusion Ms Dwyer summarized that the Housekeeping Amendment previously circulated will be subject to substantial revisions and as a result staff will be conducting an additional public consultation process in accordance with the Planning Act.

A general information report with next steps will be presented to Council in the coming weeks, following which notice of a public meeting with a copy of a draft bylaw will be circulated and attendees are encouraged to review and provide comments.

As this amendment is conducted as a Development Permit Amendment, rather than a Development Permit, the process will include appeal rights in accordance with the Planning Act. Ms Dwyer confirmed that participation in this meeting and the provision of any further comments would constitute participation in the public process. Ms Dwyer also suggested that while appeal processes exist it is the intent for this process to be collaborative and that any stakeholder with concerns is encouraged to speak directly with staff to resolve the concerns prior to the passing of the bylaw.

In closing, Ms Dwyer thanked those in attendance for participating and encouraged attendees to provide additional supplemental comments in writing for consideration in the review.

Meeting concluded at 1:34pm.

Development Permit Housekeeping Amendment

Development Stakeholders Town Hall

Agenda

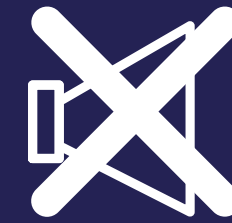
Opening Address and Introduction

Format of Meeting

Purpose of the Amendment

- Permitted Projections
 - Q & A
- Secondary Suites
 - Q & A
- New Uses
 - Q & A
- Parking
 - Q & A
- Additional Policy Considerations
(Round table)

Next Steps



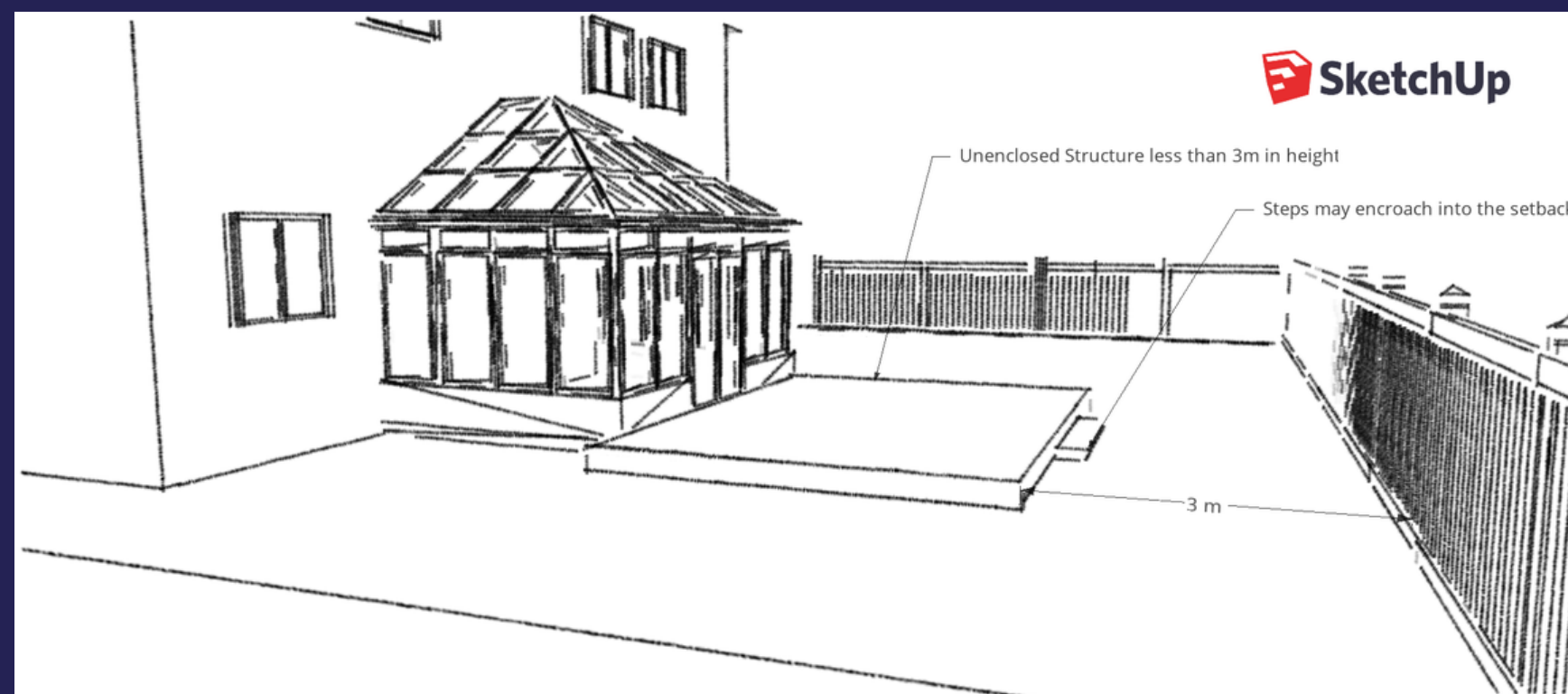
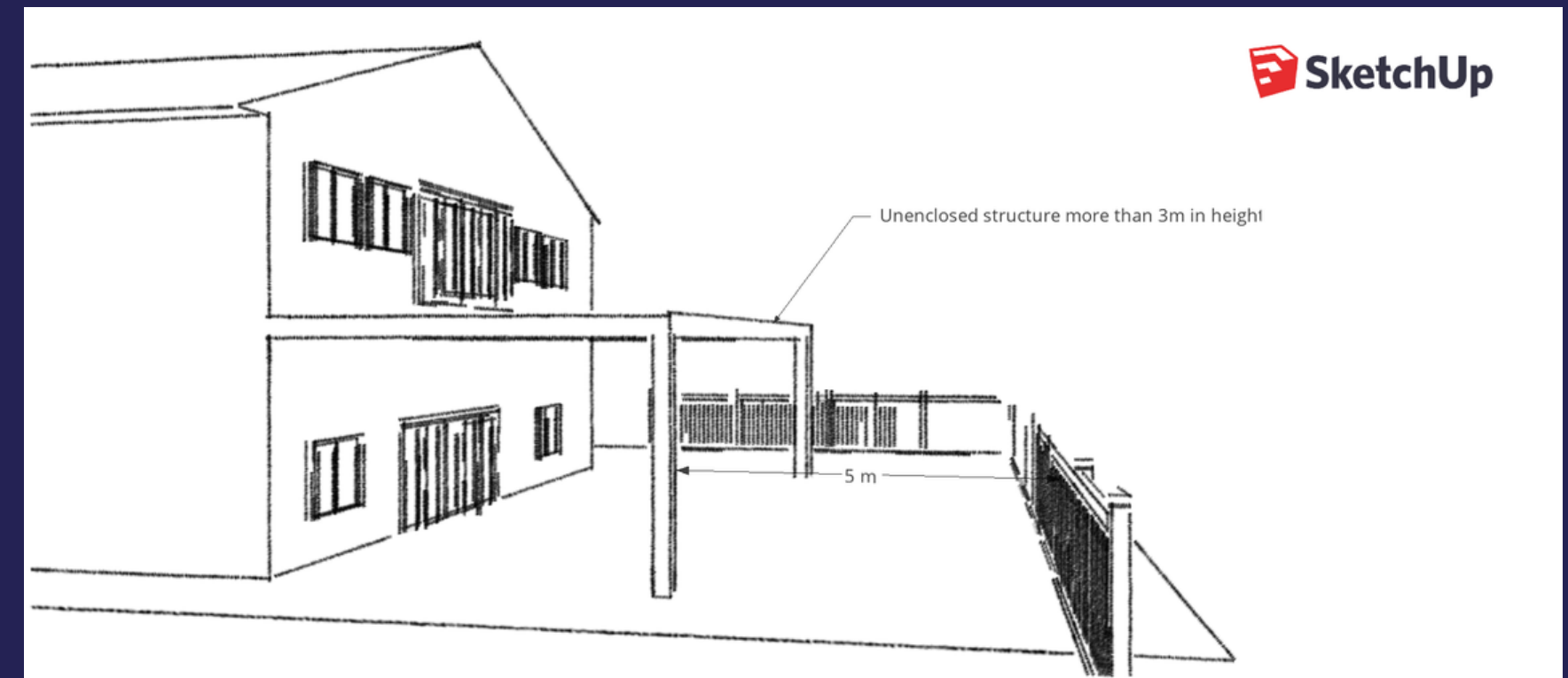
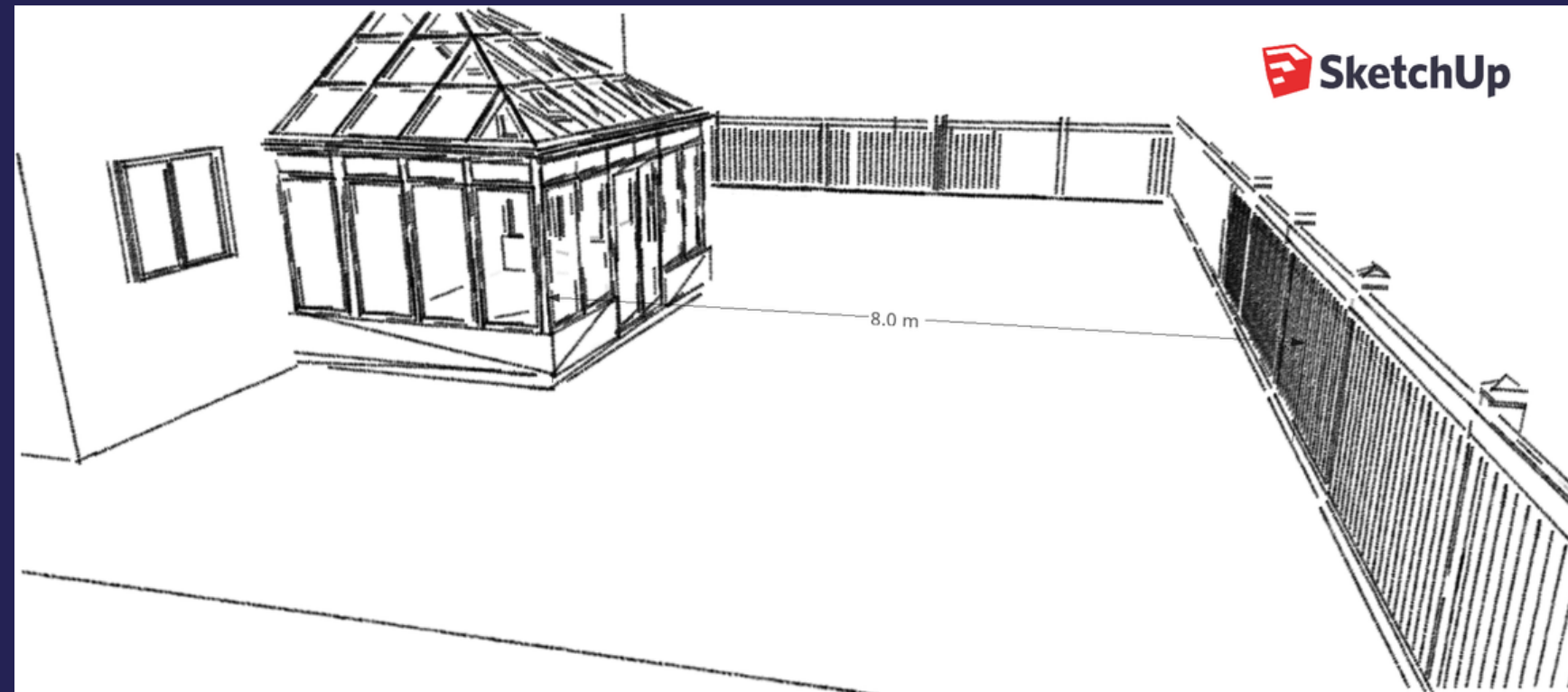
Please remember to mute your microphone when it's not your turn to talk.



Permitted Projections Provisions

Current Provision Says...	What this means...	Proposed Alternative...
Not expressly contemplated.	<p>A permit for a deck would be required to comply with all the provisions for a building or accessory structure on the site</p> <p>Rear Yard – 8m Interior Side Yard – 1.2m Exterior Side Yard – 4.5m Front Yard – 4.5m</p>	<p>4 New Classifications</p> <p>1 – Enclosed Structures (ie. three season room) Setback – same as main dwelling</p> <p>2 Unenclosed under 3m floor height Rear Yard – 3.0m</p> <p>3 Unenclosed over 3m floor height Rear Yard – 5.0m</p> <p>4 Balconies Same as primary building</p>

Permitted Projections Provisions



Secondary Suite Provisions

Current Provision Says...	What this means...	Proposed Alternative...
<p>"Accessory residential dwelling units also known as secondary suites, are permitted in a single detached or semi-detached dwelling, in townhouses or in ancillary structures in the Residential District designation, Mississippi Residential, High Street Residential subject to the requirements of the Ontario Building Code.</p> <p>Parking requirements shall be in accordance with Section 3.31.2. (1 space per unit)"</p>	<p>Any single, semi or town may have up to 1 additional unit on the site.</p> <p>These provisions are no longer compliant with the More Homes More Choice Act which permits up to 1 unit within the building and 1 in an accessory building.</p>	<p>New provisions to recognize secondary suites in accessory structures on single or semi lots;</p> <p>New entrances to be on side or rear facades;</p> <p>Size limited to 40% of the gross floor area;</p> <p>Lot coverage of all buildings cannot exceed 60%; Accessory structure cannot exceed 10% of lot area and 45% of rear yard;</p>

New Uses

Current Provision Says...	What this means...	Proposed Alternative...
Various Complete list of permitted uses in all designated areas available on the Town's website.	<p>When an applicant wishes to operate a business / use in the property that is not listed in the pre-determined list of uses, a Class 3 Development Permit is required.</p> <p>Staff have received inquiries and requests for the proposed uses regularly and have assessed that they are generally compatible within the designated areas as proposed.</p>	<p>Downtown District</p> <ul style="list-style-type: none">*Bar/Pub*Place of Amusement*Temporary Farmer's Market*School-Commercial Private*Marijuana Retail*Medical Office <p>Health Campus</p> <ul style="list-style-type: none">*Community Health Service*Animal Clinic <p>Business Campus</p> <ul style="list-style-type: none">*Automotive Repair Garage*Community Health Service <p>Industrial Campus</p> <ul style="list-style-type: none">*Commercial Storage*Truck Rental/Storage*Repair and Service Shop*Industrial Mall*Transport Terminal <p>Residential District</p> <ul style="list-style-type: none">*Home-care*Model Home (Temp)*School

Parking Woes

Current Provision Says...

Each single, semi or town unit requires 2 spaces (may be tandem)

Size - 2.75 x 6m

Driveways cannot exceed 45-60% of lot frontage

What this means...

Every home needs to accommodate 2 spaces in either a driveway or garage.

These spaces must be within the private property (ie. cannot overhang the sidewalk)

Mega-driveways compromise drainage and servicing plans and eliminate opportunities for on-street parking

What's the problem?

People dislike tandem parking

No one uses their garage for parking

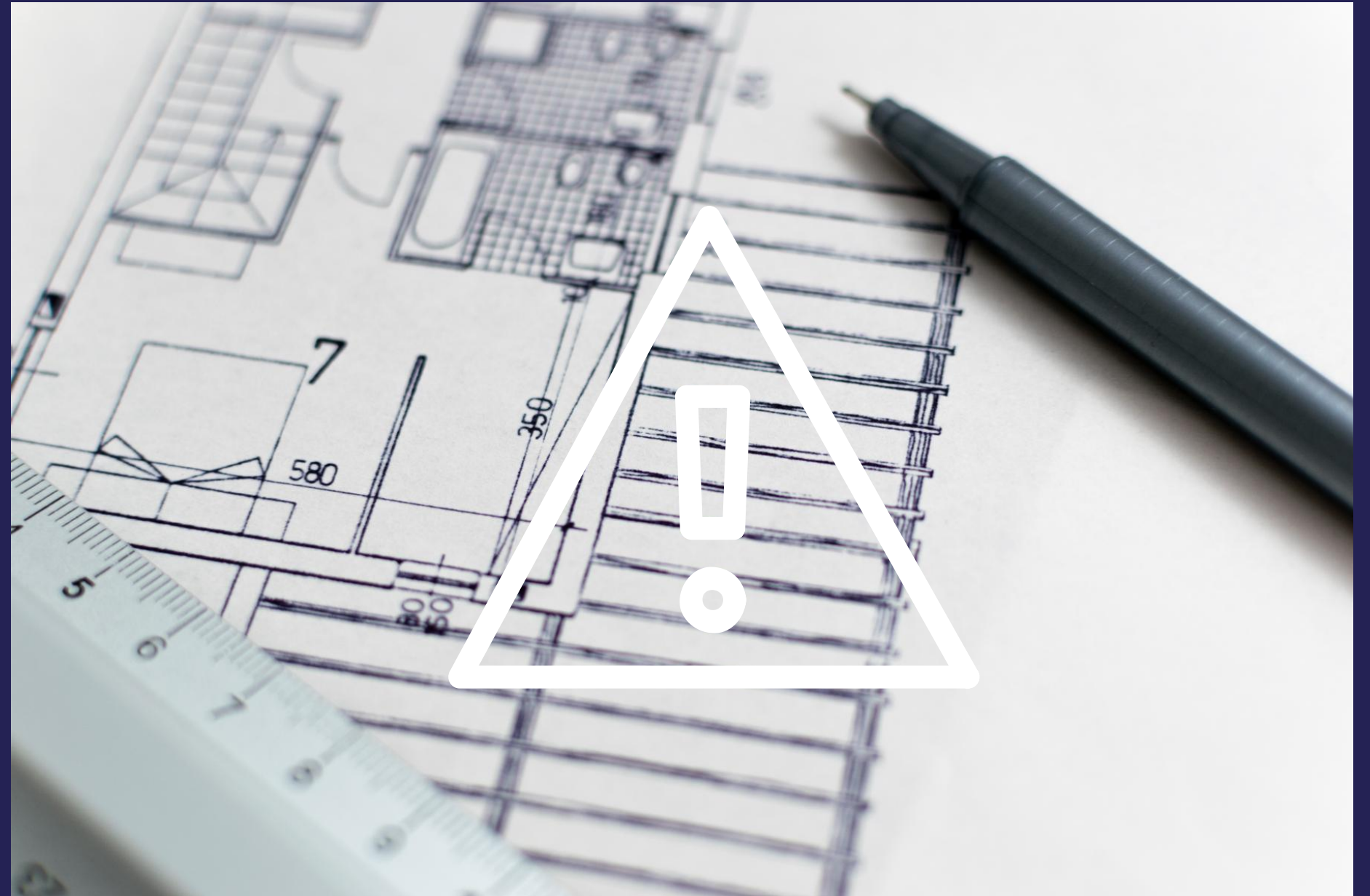
Narrow frontages and wide driveways mean that there is limited opportunity for on-street parking

Narrow road allowances maximize land for lots - but it means the streets are too tight for parking on both sides of the road

Families have more than 2 vehicles

Additional Policy Considerations

What's not working?
How can we fix it?



Next Steps

Housekeeping Re-write

What's being dropped...

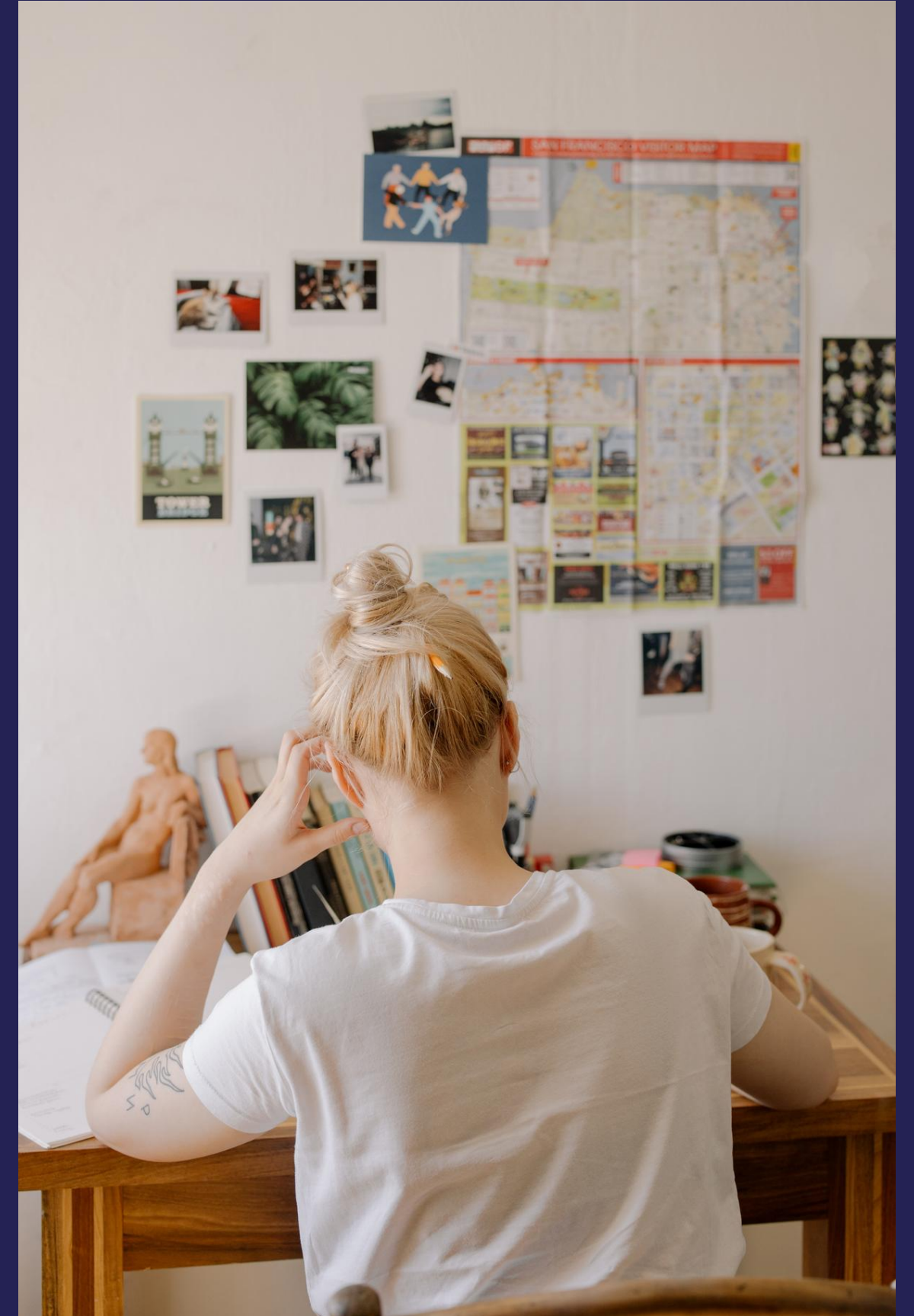
- 1) Parking space provisions
- 2) Townhome limits

New Public Meeting and Circulation Process

Staff report to Council

Bylaw to Council

Appeal Rights



COMMUNICATION 131109

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: October 13, 2020
Topic: Taber Street Subdivision Extension, 3rd Request

SUMMARY

The Municipality is in receipt of a request by Cavanagh Developments regarding an extension of the Taber Street Subdivision (09-T-15003) draft plan approval which is presently scheduled to lapse on December 11, 2020.

Cavanagh is in the process of acquiring the property from the present owner (CP Rental and Property Management Thorbjornsson Group Ltd) who has granted them permission to file the extension request on their behalf.

The subdivision, which was originally envisioned to include four (4) blocks of townhomes (including a planned unit development) was approved in 2015 and has been subject to two (2) previous extensions by the developer.

Staff has met in a formal pre-consultation with the proponent who has indicated that they intend to initiate the development as soon as the land sale concludes.

COMMENT

Section 51(33) of the Planning Act permits that the approval authority (Lanark County) may grant extensions to a draft approval in increments of up to three (3) years. There is no upper limit on the number of extensions which may be granted, however best practices would indicate that where the governing land use policy has changed or the public interest in the site has evolved, a new public process in accordance with the Act should be used rather than an extension under Subsection 33.

Staff has reviewed the studies and reports which were included in the initial subdivision review as well as public comments received at the time and have concluded that the context of the development remains within the previously contemplated landscape.

In reviewing the governing land use planning policies, staff finds that the only document which has been updated is the Provincial Policy Statement (2019). The updated policy continues to support and prioritize infill development and the rounding out of settlement areas rather than the extension of settlement boundaries and encourages the focus of growth to be in serviced areas where no adverse impacts are created to the natural environment. The proposed subdivision of land on Taber Street fulfills these principals and can be concluded to be consistent with the Provincial Policy Statement.

Council received a staff report in October 2019 requesting a one (1) year extension of the subdivision by the present owner. In the report, the Manager of Development Services noted that any further request for extension would require an update of the Environmental Impact Statement and Species at Risk Assessment.

Staff has reviewed the supporting reports and have concluded that their findings remain valid. The initial study was conducted in 2014 and the author observed that the site had been recently “grubbed” and would now be considered a “cultural meadow”. The adjacent lands to the site were in a similar state and nominal species diversity was noted. No species at risk were identified at the time.

Since the commissioning of the report, the adjacent land has been developed as the Jackson Ridge Subdivision. The subject lands have been altered through the associated development of the Taber Street road allowance as well as the overall grading and drainage of the subdivision. At this time, there is little doubt as to the vulnerability or value of natural habitat on the subject lands. As a result, staff can conclude that there is little likelihood that a new EIS would find substantially different impacts from the proposed development of the Taber Street Subdivision.

The only remaining condition of draft approval to be fulfilled at this time is the execution of a subdivision agreement. Staff believes this can be completed relatively quickly once the ownership of the parcel has transferred.



Figure 1 - Subject Lands 2012 (looking west)



Figure 2 - Subject Lands 2020 (looking northwest)

STAFF RECOMMENDATION

THAT Council supports a one (1) year extension of the Draft Approval for the Taber Street Subdivision; and

THAT Staff be instructed to inform the County of Lanark.

COMMUNICATION 131110

Received From: Pascal Meunier, Director of Protective Services
Addressed To: Committee of the Whole
Date: October 13, 2020
Topic: Proposed changes to Property Standards By-law 65-2008

SUMMARY

The Town's Property Standards By-law 65-2008 has been reviewed by staff from various Departments, resulting in a number of suggested updates. Many of these updates are a result of previous inspections or complaints where By-law Officers could not effectively apply the Property Standards By-law and take appropriate enforcement action because the wording in the By-law was not clear, strong and/or precise.

BACKGROUND

The Town's current Property Standards By-law 65-2008, established pursuant to the provincial *Building Code Act, 1992*, S.O. 1992, c. 23, prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands. The Town's Property Standards By-law is an important tool to ensure an inclusive, healthy and safe community and it:

- Acts as a mechanism to maintain properties and buildings to a minimum standard;
- Provides tools to maintain and enhance the character/image of the Town;
- Sustains property values;
- Preserves the tax base, and,
- Protects the safety and the quality of life of residents and businesses.

The Property Standards By-law addresses the following five (5) principle areas of existing buildings and structures:

- Property maintenance, waste management, and accessory buildings or structures
- Building standards
- Standards for residential occupancy
- Standards for building services, systems and facilities
- Vacant buildings

It is important to note that the provincial *Building Code Act* Sections 15.1 to 15.8 also provide the right of entry for inspection of properties without warrant for the purpose of determining whether the property conforms with the standards prescribed in the By-law or whether an order made has been complied with. This means that for the purposes of the Property Standards By-law, the Town's By-law Officers can enter a property without warrant to enforce the standards set out in the Property Standards By-law.

Review and Process

The consultation process for updating and reviewing this new document included the following key elements:

- Internal review involving multiple Town Departments
- Analysis of existing property standards data
- Complaints and enforcement files in the by-law database
- Appeals to the Town's Property Standards Committee
- Literature review
- Municipal benchmarking and best practices research
- Stakeholder consultation process

DISCUSSION

The last update of the Property Standards By-law was approved in October 2008. An initial staff assessment has determined that the existing By-law requires updates to remain robust, relevant and well-suited to address the majority of current maintenance and occupancy concerns. Staff also identified opportunities to modernize the Property Standards By-law to account for legislative changes at the provincial level; address residents' interests and respond to case law. Some of the changes include but are not limited to:

- Adding several legislative references in the By-law's authorizing provisions;
- Adding various definitions of key words / terms;
- Adding new Interpretation, Authorization and Inspection sections for transparency;
- Adding numerous conditions regarding maintenance of lands and yards;
- Adding numerous conditions regarding vacant buildings;
- Adding a Demolition section;
- Strengthening wording throughout the document; and
- Adding a table of contents once document is approved

The standards established in the Property Standards By-law represent minimum standards for maintenance and occupancy because we seek a balance between addressing concerns relating to health, safety and suitable habitation and concerns relating to burdensome repair costs for property owners.

As such, Staff developed specific criteria to assess whether or not proposed standards should be included in the Property Standards By-law as a minimum standard. The following criteria were used in this assessment:

- **Health and Safety** – generally refers to protecting the public, specifically residents and businesses, and addressing life-safety issues.
- **Good Repair** – generally refers to:
 - Addressing deficiencies on a property and within, or in the vicinity of, a building or structure.
 - Maintaining the character and image of the Town through standards as established by Town Council in municipal by-laws.
- **Suitable for Habitation** – generally refers to housing that guarantees physical safety, provides adequate space and facilities, and protection from the elements.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this By-law.

STAFF RECOMMENDATION

THAT Council approve the revised Property Standard By-law which will repeal By-law 65-2008.

BY-LAW NO. XX-2020

A BY-LAW OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF CARLETON PLACE

WHEREAS the Council of the Corporation of the Town of Carleton Place is empowered to enact a by-law pursuant to the provisions of Section 15.1 of *The Building Code Act* and amendments thereto; and

WHEREAS there is in effect in the Town of Carleton Place an Official Plan which includes provisions relating to property conditions; and

WHEREAS Section 5(3) of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS Section 11(1) provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4); and

WHEREAS Section 11(2) of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS Section 128 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of council is or could become or cause public nuisances; and

WHEREAS Section 436 of the *Municipal Act, 2001* (S.O. 2001, c.25) states that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being contravened; and

WHEREAS Section 444 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

WHEREAS Section 445 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the

person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

WHEREAS Section 446 of the *Municipal Act, 2001* (S.O. 2001, c.25) permits a municipality to enact a by-law to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax roll and collected in the same manner as taxes;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts that all property owners within the Town are required to comply with the following minimum standards of occupancy:

[TABLE OF CONTENTS TO BE INCLUDED (OR NOT) PENDING FINAL COUNCIL DECISION]

[ALSO PLEASE DISREGARD NUMBERING, WHICH IS TO BE FINALIZED WHEN CHANGES ARE COMPLETE]

1 DEFINITIONS

The following definitions shall apply for the purposes of this by-law:

- 1.1 **Abandoned Building** means any building or structure that is not occupied and that, by reason of its unfinished or dilapidated condition, is open to elements or is in a state where unauthorized entry to the building cannot be controlled.
- 1.2 **Acceptably level** when referring to floors shall be defined as not more than 7.5 cm (3 in.) slope in 3 m (10 ft.) and not more than 2.5 cm (1 in.) in any 61 cm (2 ft.).
- 1.3 **Accessory Building** means a detached, subordinate building or structure designed or intended for the better or more convenient enjoyment of the main building to which it is accessory, and which is located on the same lot therewith. An accessory building includes a private garage where such garage does not form part of the main building and includes temporary shelters and sea containers/shipping containers. An accessory building shall be uninhabitable unless otherwise specifically permitted.
- 1.4 **Alteration** means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.

- 1.5 **Apartment building** means a building containing more than four dwelling units, each unit having access from an internal corridor system.
- 1.6 **Appliances** include a fridge, freezer, stove, dishwasher, clothing washer or dryer.
- 1.7 **Approved** means approved of by the Property Standards Officer or Municipal Law Enforcement Officer.
- 1.8 **Balcony** means an external balustrade platform and includes both upper and lower surfaces of the platform.
- 1.9 **Basement** means one or more storeys of a building located below the first story.
- 1.10 **Barrier** means a structure intended to block, obstruct or prevent access to an area or sound, whether constructed of wood, metal, concrete or other type of material.
- 1.11 **Bathroom** means a room containing a bathtub or shower with or without a water closet and a washbasin.
- 1.12 **Building** means a structure as defined in *The Building Code Act*, C.23, Section 1(1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.13 **Building Code** means the *Building Code Act* 1992, S. O. 1992, C 23, as amended, and any successor legislation.
- 1.14 **Cellar** means any area below the first storey with a height of less than 1.8m (5.9 ft.)
- 1.15 **Chief Building Official** means the Chief Building Official as appointed under by-law by the Town of Carleton Place.
- 1.16 **Chief Property Standards Officer** means the person holding the position of Director of Protective Services for the Town of Carleton Place.
- 1.17 **Clerk** means the Clerk of the Town of Carleton Place.
- 1.18 **Commercial Container** means a dumpster, commercial roll-off or other similar receptacles,
- a) Used for the storage and collection of garbage, refuse, trade waste, construction waste, demolition waste or other similar materials; and

- b) designed to permit it being emptied by a forklift packer or similar vehicle.
- 1.19 **Committee** means the Property Standards Committee of the Town of Carleton Place established under this by-law in accordance with section 15.6 of the *Building Code Act*, 1992, as amended, or as substituted from time to time.
- 1.20 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.21 **Council** means the Council of the Town of Carleton Place.
- 1.22 **Crawl Space** means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1.8 m (5ft 11 in.) in height.
- 1.23 **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.
- 1.24 **Driveway** means the minimum defined area required to provide access for a motor vehicle from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property, driveway means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area.
- 1.25 **Excavation** means the space created by the removal of soil, rock or fill for the purpose of construction, or an addition.
- 1.26 **Exit** means that part of a *means of egress*, including doorways, that leads from the *floor area* it serves to a separate *building*, an open public thoroughfare or an exterior open space protected from fire exposure from the *building* and having access to an open public thoroughfare.
- 1.27 **Fence** means a freestanding structure, screen, wall or barrier except a structural part of a building erected at grade used wholly or partially to screen from view to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land restricting ingress to or egress from a property, providing security or protection to property and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, any hedge or grouping of shrubs, or other combination of fencing components which form a continuous barrier for the same purpose and includes any structure constructed of open wire mesh, boards on boards, pickets, rail or lattice type construction, whether of wood, metal, masonry or a combination thereof or other material.
- 1.28 **First Storey** means the storey that has its floor closest to grade and its ceiling more than 1.8m (5.9 ft.) above grade.

- 1.29 **Floor Area** means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosed assemblies.
- 1.30 **Floor Covering** means any surface used to cover the basic floor or subflooring construction, including carpet, vinyl, tile, laminate and hardwood.
- 1.31 **Grade** means the average level of proposed or finished ground adjoining a building at grade level.
- 1.32 **Graffiti** means one or more letters, symbols or marks, howsoever made that disfigures or defaces a property or object but does not include a sign pursuant to the municipality's sign by-law or a mural which has been authorized by the municipality.
- 1.33 **Ground Cover** means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 1.34 **Guard** means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, ramps, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.
- 1.35 **Habitable Room** means any room in a dwelling used or capable to being used for living, sleeping, cooking, or eating purposes.
- 1.36 **Inoperable Vehicle** means a motor vehicle as defined by the *Highway Traffic Act* R.S.O. 1990 Chapter H.8 as amended, that is not in good repair and is incapable of being operated on a highway. It includes a vehicle that does not display a valid vehicle permit license plate issued under the Highway Traffic Act, as amended.
- 1.37 **Land(s)** means grounds and vacant lot(s) exclusive of buildings.
- 1.38 **Landscaping** means vegetation in the form of lawns, grasses, shrubs, flowers, ornamental plantings, or any combination thereof.
- 1.39 **Last known address** means the address which appears on the assessment roll of the municipality, or the address as provided in writing to the Town by the owner.
- 1.40 **Lot** means a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a block on a registered plan of subdivision.

- 1.41 **Maintenance** means the preservation and keeping in repair of a property.
- 1.42 **Means of egress** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.
- 1.43 **Minimum illumination requirement** means the minimum level of illumination measured at floor level.
- 1.44 **Mixed-use property** means a building or structure used heretofore or hereafter erected in part for a dwelling unit and in part for non-residential purposes.
- 1.45 **Mixed-use building or multiple use building** means a building used in part for residential purposes and in part for non-residential purposes.
- 1.46 **Multi-residential property** means a building or structure, or part of a building or structure that is used or designed for use for more than two dwelling units and includes any yard appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections heretofore and hereafter erected.
- 1.47 **Multiple dwelling** means a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of *The Condominium Act*, 1998 or as a co-operative.
- 1.48 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.49 **Non-habitable room** means any room in a dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room, garage or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 1.50 **Nuisance** means an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

- 1.51 **Occupancy** means the use or intended use of a building or part thereof, for the shelter or support of persons, animals or property.
- 1.52 **Occupant** means any person or persons over the age of eighteen (18) years in possession of the property.
- 1.53 **Officer** means a Property Standards Officer or Municipal Law Enforcement Officer who has been appointed by the Town and assigned the responsibility of administering and enforcing this by-law.
- 1.54 **Order** means an order made under this by-law.
- 1.55 **Owner** includes:
- 1.55.1 the person for the time being, managing or receiving the rent of/or as shown on the assessment roll, on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any person, or who would so receive the rent if such land and premises were let;
 - 1.55.2 lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 1.56 **Person** includes an individual, association, organization, partnership, public bodies, corporations, societies, inhabitants of counties, municipalities or other districts, and includes an agent or employee of any of them in relation to the acts and things that they are capable of doing and owning respectively.
- 1.57 **Plumbing fixture** means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water liquids or sanitary sewage directly into drainage piping.
- 1.58 **Plumbing system** means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing.
- 1.59 **Powder room** means a room, which includes a minimum of one (1) toilet and one (1) wash basin, which are connected to the plumbing system.
- 1.60 **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 and includes vacant property thereon whether heretofore or hereafter erected, and is divided into:
- 1.60.1 **Non-residential property** means property which is not occupied, nor

capable of being occupied in whole or in part for the purpose of human habitation.

- 1.60.2 **Residential property** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.61 **Receptacle** means a solid metal, plastic or other non-porous container for receiving garbage or refuse.
- 1.62 **Refuse or debris** includes garbage of any kind and, without limiting the generality of the foregoing, includes rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing.
- 1.63 **Repair** means the provisions 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.
- 1.64 **Restroom** means a room in a non-residential property, which includes a minimum of one (1) toilet and one (1) washbasin, which are connected to the plumbing system.
- 1.65 **Retaining wall** means a structure which supports and confines a mass of earth or water where there is a change in ground elevation.
- 1.66 **Rooming house** means a building that is divided into multiple rooms rented out individually in which the tenants share bathroom or kitchen facilities.
- 1.67 **Salvage** means saving and utilization of wastepaper, scrap metal, vehicles, appliances or other materials.
- 1.68 **Sanitary sewage** means liquid or water borne waste of industrial or commercial origin; or of domestic origin; including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 1.69 **Sanitary unit** means a toilet, urinal, bidet or bed-pan washer.
- 1.70 **Sewage system** means the sanitary sewage system or storm sewage system of Carleton Place, or a private sewage disposal system approved by the Chief Building Official of the municipality or the Chief Building Official of a Board of

Health or a Conservation Authority which has entered into an agreement with the municipality pursuant to the provisions of the *Building Code Act*.

- 1.71 **Service room** means a room provided in a building to contain equipment associated with building services.
- 1.72 **Sight triangle** means a triangular space free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on the street line to another point on a street line, each point being the required sight distance from the point of intersection of the street lines as the area at the intersection of two streets. (4.5m or 14 ft. 9 in.).
- 1.73 **Stagnant water** means motionless water, not flowing in a stream or current, also known as standing water. Water shall be deemed to be “stagnant” if the structure, excavation, ruts or depressions are capable of holding standing water for more than four (4) consecutive days.
- 1.74 **Standards** means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.75 **Storage garage** means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles.
- 1.76 **Structure** means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground, and includes but is not limited to play structures, sheds and gazebos.
- 1.77 **Supplied facility** means any appliance, fixture or piece of equipment supplied in accordance with the provisions of a lease or rental agreement.
- 1.78 **Town** means the Corporation of the Town of Carleton Place.
- 1.79 **Unsafe condition** means the physical state of property, structure, barrier and/or building(s), whether vacant or occupied, that in the opinion of the Property Standards Officer is structurally inadequate or faulty for the purposes for which it is used or intended to be used.
- 1.80 **Vacant building** means a building that is unoccupied, is or should be boarded up, and does not include a building already approved for demolition.
- 1.81 **Vacant lot** means a property that does not have a building or structure on it.

- 1.82 **Vacant property** means a building or structure that is not occupied and includes the yard appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected.
- 1.83 **Vehicle** means a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.84 **Vermin** means a mammal, bird or insect injurious to humans, game or crops including but not limited to rats, mice, moles, ants, cockroaches, silverfish, fleas, bugs, bedbugs, lice or anything else that may be considered by the Property Standards Officer.
- 1.85 **Waste** shall mean any garbage, refuse, debris, litter, household waste and yard waste and without limiting the generality of the foregoing, shall include garbage, junk, tin cans, old or decayed lumber, discarded or inoperable machinery including automobiles and parts, furniture, household fixtures and construction materials.
- 1.86 **Waterfront property** means property or area of land which is immediately adjacent to the water and having direct access to a natural or man-made waterway such as a lake or river.
- 1.87 **Work Order** or **Order** shall mean an order issued under this by-law to the owner of a property requiring the owner who contravened the by-law or who caused or permitted the contravention or the owner of the Land on which the contravention occurred to do work to correct the contravention.
- 1.88 **Yard** means the land, other than publicly owned land, around or appurtenant to the whole or any part of a building or structure and includes a vacant lot and used or intended to be used, or capable of being used in connection with the building.

2 INTERPRETATION

- 2.1 This by-law includes the schedules annexed hereto, and the schedules are hereby declared to form part of this by-law.
- 2.2 Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.
- 2.3 In this by-law, the word “metre” shall be represented by the abbreviation “m”; the word “centimetre” shall be represented by the abbreviation “cm”; the word “feet” shall be represented by the abbreviation “ft.” and the word “inches” shall be represented by the abbreviation “in.”

- 2.4 In this by-law a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.5 In this by-law "may" shall be construed as permissive.
- 2.6 In this by-law "shall" shall be construed an imperative.
- 2.7 All repairs and maintenance of property required by the standards prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose and that are free from defects.
- 2.8 The requirement that repairs be made in a manner that is accepted as "good workmanship" includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and color with adjoining decorative finishing materials and are suitable and sufficient for the purpose that they were intended for.
- 2.9 The owner of property shall repair, maintain and keep the property in accordance with the standards of this by-law, and take immediate action to eliminate any unsafe conditions.

3 AUTHORIZATION

- 3.1 The municipality may appoint Officers and such other staff to carry out the administration and enforcement of this by-law.
- 3.2 Interpretation and application of the terms and definitions of this by-law shall be determined at the discretion of the enforcing Officer.
- 3.3 Any building, housing, plumbing, heating or Public Health Inspector or Fire Prevention Officer of the municipality is hereby authorized and directed to act as an assistant to the Officer from time to time.

4 INSPECTIONS

- 4.1 An Officer and any Person acting under the Officer's instructions may, without a warrant, enter and inspect a Property to determine:
 - 4.1.1 whether the land conforms to the standards prescribed in this by-law;
 - 4.1.2 whether a work order made under this by-law has been complied with; and

4.1.3 whether a work order made under Section 15.7 of the *Building Code Act*, 1992, as amended, has been complied with.

4.2 Where the inspection is conducted by the Officer or any person acting under the Officer's instructions, the person conducting the inspection may:

4.2.1 require the production for inspection of documents or things relevant to the inspection;

4.2.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

4.2.3 require information from any person concerning a matter related to the inspection including their name, address, phone number and identification;

4.2.4 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 order the owner of the land to take and supply at the owner's expense such tests and samples as are specified.

4.3 The Property Standards Officer and any other person acting under their instructions shall not enter any room or place used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the *Building Code Act*.

4.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or anyone acting under their instructions while in the exercise of a power or the performance of a duty under this by-law.

4.5 No one shall give false information to an Officer.

4.6 At all times, a Municipal Law Enforcement Officer shall wear Department approved and issued identification

5 CONDITION AND MAINTENANCE OF LANDS

5.1 All lands shall be kept clean and free from rubbish, garbage, brush, waste, litter, trade waste and other debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants of the area and the lands shall be maintained in a clean, safe condition and in a manner that would not be considered unsightly or deleterious to the neighboring environment and all lands

shall be removed of objects or conditions that might create a health, fire or safety hazard and left in a graded and level condition.

- 5.2 No person shall leave land after an excavation in an excavated condition for longer than 30 days. All land shall be graded and left in a level condition unless the person can demonstrate to an Officer the necessity of not leveling the land.
- 5.3 No owner shall permit stagnant water to accumulate on a property in any depression or equipment or items. Any owner of land may be required by an Officer to take all necessary steps to remove or dispose of stagnant water where located on the land. Such steps may include, but are not limited to, draining or filling of excavations and depressions in which standing water has or may collect. Where there is any accumulation of stagnant water in any depression, excavation or equipment, the owner or occupant of the land shall remove such standing water by draining it or other means to eliminate it.
- 5.4 The above section does not include any storm water retention ponds that the municipality has approved through site plans and development permits.
- 5.5 No vehicle, trailer, boat, barge or mechanical equipment which is in a wrecked, discarded, dismantled, abandoned or inoperative condition shall be parked, stored, moored or left on lands or waterfront property in any residential designation.
- 5.6 All vacant lands shall be kept clean and free from unusable (includes, without limiting the generality of the foregoing, vehicles and trailers which are not licensed with a current validation sticker), wrecked, dismantled, discarded or partially dismantled or abandoned machinery, boats, vehicles, trailers or parts thereof.
- 5.7 Where vehicles, trailers, boats, barges or mechanical equipment are required for business purposes, they shall be screened from the street and public by fence/barrier or suitable planting. All such businesses must be licensed to do so and be permitted by the applicable Development Permit By-law requirements for that location.
- 5.8 All outdoor salvage yards and outdoor storage yards shall be enclosed by a solid board barrier not less than 2.43 m (8 ft.) in height and are subject to the Carleton Place Development Permit By-law.
- 5.9 Every owner shall ensure that their land is treated to prevent the raising of dust or loose particles and the accumulation of mud. Land need not be treated to prevent the raising of dust or loose particles and the accumulation of mud in lands subject to an active site plan or subdivision agreement.

- 5.10 Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition or are deleterious to the neighbouring environment shall be removed.
- 5.11 All lands shall be kept clean and free from dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a nuisance.
- 5.12 All lands shall be kept clean and free from dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition and that encroach over an adjacent property.
- 5.13 All lands shall be kept clean and free from hedges, bushes, vines and shrubs which are unsightly or unreasonably overgrown and that encroach onto adjacent property.
- 5.14 All land shall be kept free from rock, stumps, fill, construction waste or other such materials that originate on another property or location unless the deposited material is continuously kept level and covered on a weekly basis in such a way that it does not disrupt or change the drainage of the original site.
- 5.15 Nothing contained in this by-law shall be deemed to prevent the accumulation, storage and keeping in, or on any non-residential property, where a lawful business is conducted, of such things required for the normal purpose of such business, in a manner satisfactory to the Officer.

6 CONDITION AND MAINTENANCE OF YARDS

- 6.1 Yards shall be kept clean and free from rubbish or debris, dilapidated, collapsed, unsafe or unsecured structures, and objects or conditions that may create a health, fire or accident hazard. The yard shall be cleaned and removed of objects or conditions and left in a safe condition and maintained in a manner that would not be considered unsightly.
- 6.2 Yards shall be kept clean and free of any inoperable vehicle or vehicles including a trailer which is in a wrecked, discarded, dismantled, partially dismantled, unused, unlicensed (not affixed with a valid plate displaying a valid permit registered to the vehicle, boat, or trailer), inoperative or abandoned condition.
- 6.3 Recreational travel trailers shall be complete with closing doors, windows, etc., and kept in a condition that would not require repairs to make them fit for travel on any highway as defined in the *Ontario Highway Traffic Act*, R.S.O as amended.

- 6.4 No vehicle or trailer shall be used for the storage of garbage, rubbish, waste, debris, inoperable equipment, materials, appliances, or similar items.
- 6.5 No non-commercially built covered trailers, fish huts or similar handmade structures shall be stored on residential properties, unless:
- 6.5.1 they are weather resistant and constructed and maintained with suitable and uniform materials; protected by paint, preservatives or other weather-resistant materials to prevent water leakage into the structure;
 - 6.5.2 they are stored 1 m (39 in.) from all buildings;
 - 6.5.3 they are stored 1 m (39 in.) from rear and interior lot lines;
 - 6.5.4 they are not allowed to be stored in exterior side or front yards;
 - 6.5.5 are not allowed to be stored in driveways.
- 6.6 No accessory building or structure shall be erected closer than 1 m. (39 in.) to any interior side lot line, rear lot line, or structure, and shall be subject to the requirements of the *Ontario Building Code*.
- 6.7 No boat or vessel shall be stored in any yard long-term, unless it is placed on a licensed trailer in an operable condition that would allow for its immediate removal.
- 6.7.1 The above does not include kayaks, canoes or small boats or vessels that could be transported on the tops of vehicles or in the beds of trucks.
- 6.8 The occupant of a residential property may repair a vehicle which is the occupant's own vehicle, provided that there is only one (1) vehicle being repaired and the vehicle is being actively repaired in the driveway.
- 6.9 This is not meant to prohibit the keeping of antique, classic, sports vehicles or operational vehicles for winter storage whether licensed or not, if said vehicle is stored in a neat, tidy condition that is not unsightly.
- 6.10 No vehicle shall be parked in any yard except on a permitted driveway. Any subsequent violations may be corrected by the municipality with the removal of the vehicle in violation of this section and/or the ticketing of the vehicle.
- 6.11 No person shall use any driveway or front yard for the parking or storage of any vehicle with a height in excess of 2 m (6 ft. 5 in.) unless said vehicle can be fully located a minimum of 2 m (6 ft. 5 in.) from the curb or sidewalk, whichever is more restrictive. This provision includes, but is not limited to cars, trucks, boats recreational vehicles, trailers or any other type of wheeled device.

- 6.12 Where a recreational vehicle or recreational trailer is parked in any yard or on a lot, such vehicle shall not be used for living or sleeping accommodation for longer than 30 days by any person and in no event shall such living and sleeping accommodation be leased or rented.
- 6.13 All front yards shall be kept free from wrecked, discarded or inoperative recreation equipment and furniture. Storage in rear and side yards shall not impede the required setbacks for that designation.
- 6.14 Appliances such as refrigerators, stoves and freezers shall not be left in yards and shall not be used as places of storage.
- 6.15 Dead, decayed, diseased or damaged trees, shrubs, hedges, bushes or parts thereof that create an unsafe condition shall be promptly removed from the property. Where there is disagreement between the Officer and the owner, with the Officer's directive an arborist or forester shall be required to determine what must be removed in the case of decayed, diseased or damaged trees, shrubs, hedges or bushes.
- 6.16 No brush or unprocessed wood or logs shall be permitted to be stored in a yard for longer than three (3) weeks.
- 6.17 Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition shall be removed.
- 6.18 No person shall have, plant, grow, maintain, or permit on their property any hedge, shrub, plant or tree which:
- 6.18.1 the location obstructs the safety of the public, or
 - 6.18.2 affects the safety of vehicular traffic or pedestrian traffic; or
 - 6.18.3 overhangs, or encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
 - 6.18.4 is located in a sight triangle with a height higher than .8 m (2 ft. 7.5 in.).
- 6.19 Every owner shall maintain all hedges, vines, bushes and shrubs on their lands from becoming unkempt and unreasonably overgrown and that encroach onto adjacent property including municipal roads, streets, sidewalks and pathways.
- 6.20 Domestic storage such as firewood, building materials, garden equipment and materials shall be stored neatly piled in a rear or side yard only, provided that such storage:

- 6.20.1 does not exceed 10% of the yard area in which it is stored;
- 6.20.2 shall be neatly piled and shall not constitute a hazard; and
- 6.20.3 shall not be stored in the front yard between the front wall of the building and the street line; and
- 6.20.4 adheres to all required yard setbacks prescribed in the Town's Development Permit By-law.
- 6.21 Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property, provided that it:
 - 6.21.1 is removed frequently and in its entirety from the property;
 - 6.21.2 will not cause risk to the health or safety of any persons; and
 - 6.21.3 is not stored in an unsightly manner.
- 6.22 Every yard shall be kept clean and free from: damaged or dilapidated landscape or garden features such as awnings, marquees, canopies, garden furniture, pergolas, trellis, lattice, statues and benches.
- 6.23 Any furniture that is used outdoors shall be:
 - 6.23.1 kept in a clean, neat and tidy condition; and
 - 6.23.2 maintained in good repair.
- 6.24 Every yard shall be kept clean and free from dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a nuisance.
- 6.25 A yard shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 6.26 A yard must be kept free of machinery or any parts thereof.
- 6.27 Every yard shall be kept free of rodents, vermin, insect pests and other pests and from any condition which may encourage the infestation or harbouring of such pests.
- 6.28 Every yard shall be kept clean and free of domestic animal excrement.

- 6.29 A yard must be kept free of construction bins, unless they are actively being used in connection with the construction or demolition of a building or structure.
- 6.30 The owner of a residential property shall maintain the residential property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris as per the Town of Carleton Place's Waste Collection By-law as amended.
- 6.31 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic gallons, or other materials suitable for such a use.
- 6.32 Compost heaps shall not be located in any front yard. All compost heaps located within an exterior side yard must be 6 m (19 ft. 8 in.) from the lot line.
- 6.33 Any required hedges, planting, trees and other landscaping on a property shall be maintained in a living condition or shall be replaced with equivalent landscaping to the satisfaction of the Municipal Law Enforcement Officer.

7 VACANT BUILDINGS

- 7.1 Where any property is unoccupied, the owner or their agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.
- 7.2 The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.
- 7.3 Where a vacant building is not maintained or fixed in accordance with the minimum standards, it shall be remedied or removed from the property and the land or waterfront property left in a graded level condition.
- 7.4 All materials used for boarding up unoccupied buildings shall be covered and maintained with an exterior grade preservative which is colour coordinated with the exterior finish of the building.
- 7.5 All boarding must be 1.27 cm (0.5 in.) S.P.F. (Spruce-Pine-Fir) plywood (not particle board, fibreboard or other forms of board sheathing).
- 7.6 All boarding shall be maintained in good repair.
- 7.7 All boarding shall be installed from the exterior and properly fitted to the size of the opening of the building or structure within the frames in a watertight manner and in a manner that minimizes damage to the structure.

- 7.8 Where a building remains vacant for a period of more than ninety (90) days, the owner or their agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- 7.9 The above does not apply where such utilities are necessary for the safety or security of the building.
- 7.10 Where the removal of the structure is required, all services shall be disconnected and appropriate permits issued by the municipality shall be obtained.
- 7.11 Where the exterior doors, windows, trim or other openings of vacant buildings, partially vacant buildings or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair, the municipality may order the property owner to board the building or structure as an interior security repair measure so as to prevent the entrance of elements, unauthorized persons or the infestation of pests.
- 7.12 Doors, windows and other openings at the basement and ground floor of the building or structure shall be securely boarded up with a solid piece of plywood or metal plate, and upper levels of the building or structure if the windows and openings have been broken or damaged.
- 7.13 No partially or completely vacant building shall remain boarded up for a period longer than one (1) year. After the said one (1) year or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible, shall make the necessary repairs to make it fit for dwelling or other authorized uses in accordance with the Town of Carleton Place Development Permit By-law.

8 DEMOLITION

- 8.1 Where a building, accessory building, fence or other structure on a property is demolished, all required permits must be obtained and when the work is completed, the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition. A Demolition Permit shall be required from the Town's Building Department for the demolition of any building.
- 8.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint or wallpaper.

- 8.3 Where a building, accessory building or other structure is being demolished, every precaution shall be taken to protect adjoining property and members of the public. Such precaution shall include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.
- 8.4 If the owner of a property fails to demolish or repair the property in accordance with the requirements of a work order, as confirmed or modified, the Town, in addition to other remedies, shall:
- 8.4.1 have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property;
 - 8.4.2 not be liable to compensate such owner or other person by reason of anything done by or on behalf of the Town under the provisions of this by-law; and
 - 8.4.3 be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.

9 ADDITIONAL STANDARDS FOR BUILDINGS OR STRUCTURES DAMAGED BY FIRE OR OTHER NATURAL CAUSES

- 9.1 In the event of fire or explosion, measures shall be taken as soon as possible to prevent injury and access to the damaged property, as permitted by the proper authorities. A demolition permit shall be required from the Town's Building Department for the demolition of the damaged structure.
- 9.2 A building or structure damaged by fire, storm or by other natural causes shall be demolished or repaired. A demolition permit shall be required from the Town Building Department for the demolition of the building or structure.
- 9.3 Damaged or partially burnt material shall be removed and replaced once the investigations are completed by fire authorities. Permits from the Town Building Department may be required.
- 9.4 Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property, and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

- 9.5 All properties damaged by fire, storm or other natural causes shall be secured to prevent entry onto such properties.
- 9.6 Defacements by smoke or by other similar causes on the exterior walls and surfaces of the buildings or structures, or of the remaining parts of the building or structures, shall be removed and the defaced areas refinished in a workmanlike manner.
- 9.7 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to the *Ontario Building Code Act*, or this by-law.

10 DRAINAGE

- 10.1 Sanitary sewage or organic waste shall be discharged only through the building drain and building sewer into an approved sewage system.
- 10.2 No sewage shall be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 10.3 Roof drainage or storm water, swimming pool or sump pump water discharge shall be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar and shall not be discharged on walkways, stairs, onto any roadway or sanitary sewer or neighbouring property.
- 10.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 10.5 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (4 ft. 11 in.) from the building when it is physically possible.
- 10.6 The above does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- 10.7 Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building and shall not direct water onto an adjoining roof unless it is part of and owned by the same person.
- 10.8 Sump or swimming pool discharge, and water artificially brought on the land, shall be drained from the yard so as to prevent ponding or the entrance of water into a basement, cellar or onto adjacent property.

11 WALKWAYS, PARKING AREAS, DRIVEWAYS

- 11.1 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained in good repair, including snow and ice removal, to afford safe passage.
- 11.2 All areas used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.
- 11.3 Driveways and parking areas shall be:
 - 11.3.1 maintained in good repair in a hole-free condition and free of any settlements that might cause tripping;
 - 11.3.2 maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather, including the removal of snow and ice;
 - 11.3.3 adequately illuminated at night so as to afford safe use;
 - 11.3.4 adequately graded and drained to prevent excessive ponding of water.
- 11.4 Catch basins and storm drains shall be maintained free from defects, including broken members and blocked covers.
- 11.5 All commercial driveways and parking lots, including driveways and parking lots for apartment buildings and condominiums, shall be:
 - 11.5.1 surfaced and maintained with asphalt, concrete or interlocking stone;
 - 11.5.2 provided with suitable marking such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible;
 - 11.5.3 provided with secured curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles and other structures on the parking lot or adjoining property and from encroaching onto adjoining property.
- 11.6 All curb stops or restraining devices shall be kept in good repair.
- 11.7 The requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential property or accessory apartment, or if the patio serves as the fire exit to a residential apartment or accessory apartment.

12 LIGHTING STANDARDS

- 12.1 All artificial lighting for yards and parking areas is to be maintained in good working order. Any lights used to illuminate yards or parking areas shall be so directed to deflect light down and away to prevent the light source from shining directly onto abutting properties and shall not obstruct the vision of pedestrians and motorists, and at no time should it be directed upward towards the sky.
- 12.2 Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
- 12.3 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard shall always be adequately lighted.
- 12.4 Minimum illumination requirement lighting shall be considered adequate if they adhere to the *Ontario Building Code* at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard.
- 12.5 Lighting supports shall be maintained in good repair in all yards, standards supporting artificial lights and all exterior lighting and connections shall be kept in a safe condition, in good repair and in good working order.
- 12.6 Exterior lighting fixtures and connections shall be kept in a safe working condition.
- 12.7 All light standards and fixtures situated on non-residential property shall be working at all times that the business is in operation between sunset to sunrise.

13 FENCES, BARRIERS AND RETAINING WALLS

- 13.1 Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards or risk of fire or dangers to health.
- 13.2 No fences, barriers or retaining walls may be built on the property line of an adjoining property which is in close proximity to the neighboring dwelling unit that might limit emergency access to any buildings on the adjoining property.
- 13.3 No fence, barrier or retaining wall over 0.8 m (2 ft. 7.5 in.) may be erected, constructed or placed in the sight triangle.
- 13.4 No fence shall be built within 2 m (6 ft. 6.5 in.) of a highway as defined in the *Ontario Highway Traffic Act*.
- 13.5 No person shall erect, construct, or place a fence or barrier with a height in excess of 2.5 m (8 ft. 2.5 in.) in any residential designation within the Town of Carleton Place.

- 13.6 The calculation for height of a fence at any given point shall be measured from the grade at the base of the fence, as follows:
- 13.6.1 to the top of the fence where erected at grade and where there is no grade difference between the two (2) sides of the fence; or
 - 13.6.2 from the higher grade to the top of the fence where erected at grade and there is a grade difference between the two (2) sides of the fence.
- 13.7 In side and rear yards,
- 13.7.1 gates may exceed the fence height restriction by a maximum of 30 cm (1 ft.);
 - 13.7.2 archways forming part of an entrance may exceed the height restrictions to a maximum of 2.5 m (8 ft. 2.5 in.), and
 - 13.7.3 decorative caps on structural posts may exceed the height restrictions to a maximum of 15 cm (6 in.).
- 13.8 Notwithstanding Section 13.5, a construction of a barrier or a fence exceeding 2.5m (8 ft. 2.5 in.) in height is permitted in a residential designation if required by a development permit agreement or any other legislation which would deem a barrier or fence a necessity.
- 13.9 No barbed wire or fencing which carries an electric current and sharp projections or any other dangerous characteristics either on the inside or outside shall form part of a fence in any residential designation.
- 13.10 The provisions of 13.3 and 13.9 do not apply to a barrier erected upon abutting land which is used for industrial purposes, for trails, or for hydro, telephone or utility installations, or for public works installations which are hazardous to the public or for noise and sound barriers.
- 13.11 Fences shall be maintained:
- 13.11.1 in a structurally sound condition;
 - 13.11.2 in good repair, free from cracks, and missing, broken, or warped components;
 - 13.11.3 free from hazards, including protruding nails, screws and staples;
 - 13.11.4 in a plumb condition, unless specifically designed to be other than vertical; so that it is of uniform appearance; and

- 13.11.5 so that it does not create an unsightly appearance.
- 13.12 Fences shall not be used as a support for any structure, object or thing that could exert a lateral force against or upon the fence.
- 13.13 Fences shall be capable of performing safely the function for which they were constructed.
- 13.14 Fences shall be kept free from deterioration by the application of paint, preservatives other suitable protective materials of uniform colour, or constructed of a material that is resistant to such deterioration except for wooden fences made of cedar, redwood, treated wood or synthetic material.
- 13.15 Retaining walls shall be:
- 13.15.1 maintained in good repair;
 - 13.15.2 maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - 13.15.3 maintained free from health, fire and accident hazards.
 - 13.15.4 constructed of a material that is inherently resistant to deterioration;
 - 13.15.5 made with suitable materials and shall be designed and erected in a suitably sound manner and maintained so as not to create an unsightly appearance.

14 ACCESSORY BUILDINGS

- 14.1 An accessory building, including garages and carports, shall be kept in good repair and in accordance with the Town's current Development Permit By-law.
- 14.2 Where an accessory building, structure or lands harbour insects, vermin or rodents, all necessary steps shall be taken to eliminate such insects, vermin or rodents and to prevent reoccurrence.
- 14.3 Temporary structures shall be maintained in a condition that allows them to function for what they were designed to do and shall be kept in good repair and in accordance with the Town's current Development Permit By-law.
- 14.4 Temporary structures are permitted year-round in rear yards for storage purposes and seasonally in driveways for vehicle shelter from November 1 until May 1 the following year.

- 14.5 Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard or repaired to the minimum standards prescribed in this by-law.
- 14.6 The exterior of any accessory building shall be weather resistant and constructed and maintained with suitable and uniform materials; protected by paint, preservatives or other weather-resistant materials to prevent water leakage into the structure.
- 14.7 All sea containers, shipping containers or similar structures shall conform to the Development Permit by-law and to all established setbacks.
- 14.8 All sea containers, shipping containers or similar structures shall be maintained in an operable condition and may be painted to blend in with their surroundings.

15 STRUCTURAL STANDARDS

- 15.1 For the purposes of this section, “structure” includes a fence, shed, permanent sign or other small building in addition to structures defined in the *Ontario Building Code*.
- 15.2 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed, having a factor of safety required by the *Ontario Building Code* and amendments thereto.
- 15.3 Every part of a property shall be maintained in good repair and in a structurally sound condition so as to be capable of safely accommodating all normal structural movements without damage, decay or deterioration.
- 15.4 Every part of a property shall be maintained in good repair and in a structurally sound condition so as to prevent the entry of moisture that would contribute to damage, decay or deterioration.
- 15.5 Every part of a property shall be maintained in good repair and in a structurally sound condition so as to be capable of safely and adequately performing subject to all reasonable serviceability requirements.
- 15.6 Materials which show excessive damage, dry rot or other deterioration shall be repaired or replaced.
- 15.7 Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.

- 15.8 If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent. The written report, including drawings, signed and stamped by the engineer and giving details of the findings and proposed repair methods, shall be submitted to the Property Standards Officer for their evaluation and approval.
- 15.9 Examination and testing of any building or structure or parts thereof required shall be conducted in a manner acceptable to the Officer and at the owner's expense.
- 15.10 Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required.
- 15.11 All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the Officer.
- 15.12 On completion of all work, a report, signed and stamped by the professional engineer, that all work has been completed to their satisfaction and specifications, shall be submitted to the Officer.

16 GENERAL CLEANLINESS

- 16.1 Every dwelling shall be kept free from rubbish, debris or any condition which constitutes an accident or health hazard.
- 16.2 Every occupant of a dwelling unit, in that part of the dwelling unit that the occupant occupies, or controls shall:
- 16.2.1 maintain all plumbing, cooking, refrigerating, heating and cooling, and water treatment appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 16.2.2 maintain every floor, wall, ceiling, fixture and equipment in a clean and sanitary condition.
- 16.3 Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse on any other thing or object that may cause a health or accident hazard.

- 16.4 Commercial containers shall be made available in a prominent position on non-residential property for the disposal of refuse which may be discarded by customers and others and the land shall be kept free from refuse and containers will be supplied with a lid that can keep out rodents and pests and prevent the illegal dumping of materials into them.
- 16.5 Outdoor storage of garbage, compost and refuse, including receptacles, shall:
- 16.5.1 be maintained in a litter-free and odour-free condition,
 - 16.5.2 in a manner that will not attract pests or create a health or safety hazard;
 - 16.5.3 not be stored in the front yard or on any balcony.
 - 16.5.4 be screened from a public highway, street, walkway, park or residential property so as not to be visible from such locations if directed by Director of Protective Services.
 - 16.5.5 have a tight fitted lid to deter pests and rodents from gaining access into the container.
- 16.6 On property which, because of its condition or because of its use or occupancy or for other reason, creates a nuisance to occupants of adjacent property or to persons in the neighbourhood or to the users of streets or parks, every reasonable precaution shall be taken to prevent such nuisance.
- 16.7 Provide and maintain an effective barrier to prevent waste, wrappings, debris and the like from encroaching on an adjacent property.
- 16.8 Excessive accumulations of materials must be removed from a yard unless such materials are required for a business being lawfully conducted on the property.
- 16.9 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.
- 16.10 Recreational amenities, facilities, rooms, play areas and play area surfaces and equipment supplied by the owner shall be maintained in clean and good repair.
- 16.11 Every owner, and every occupant in that part of non-residential property that they occupy or control, shall maintain the property:
- 16.11.1 in a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;

16.11.2 free from objects or conditions which are health, fire, or accident hazards;

16.11.3 free from rodents, vermin and injurious insects.

17 PEST PREVENTION

- 17.1 Buildings shall be kept free of rodents, vermin and insects at all times that may be hazardous to safety, health, and comfort from conditions which may encourage infestation by such pests, and methods used for exterminating such pests shall be in accordance with provisions of *The Pesticide Act*, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.
- 17.2 Openings and holes in a building containing residential units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.
- 17.3 Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that may permit the entry of vermin shall be screened with wire mesh, metal grill or other durable material which will effectively exclude vermin.
- 17.4 An opening for natural or mechanical ventilation that may permit the entry of rodents, vermin or insects shall be screened with wire mesh, metal grill or other durable material which will effectively exclude vermin.
- 17.5 Openings in exterior walls shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.
- 17.6 The above section does not apply where it can be shown to the satisfaction of the Officer that the implementation of this article would adversely affect the normal operations in a non-residential property.

18 BASEMENT FLOORS AND FOUNDATIONS

- 18.1 The foundation walls and basement, crawl space or cellar floor of a building shall be maintained in good repair and structurally sound so as to prevent the entrance of moisture and rodents and where necessary, shall be so maintained by methods including but not limited by shoring of the walls, installing sub-soil drains at the footings, grouting masonry cracks, parging and waterproofing the walls or floor.

- 18.2 Every building, unless slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock, and all footings, foundation walls, piers, slab-on-grade shall be of masonry or other suitable material as prescribed by the *Ontario Building Code* and amendments thereto.
- 18.3 The foundations, columns, beams, floors of a building including storage garages shall be maintained:
- 18.3.1 in good repair and structurally sound;
- 18.3.2 free from decayed, damaged or weakened sills, piers, posts or other supports
- 18.3.3 in a manner so as to prevent settlement of the building by restoring or replacing the foundation, walls, columns, beams and floors and where necessary, shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks, waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above
- 18.4 The above shall not apply to Accessory Buildings where the *Ontario Building Code* specifies that no foundation is required.

19 EXTERIOR SURFACES

- 19.1 All exterior exposed wooden surfaces showing excessive deterioration because they are not inherently resistant to deterioration, shall be periodically treated with an approved protective substance or coating, or otherwise repaired, coated, sealed or treated to protect them from further deterioration or weathering.
- 19.2 Exterior walls of a building and their components shall be maintained to prevent their excessive deterioration and where necessary shall be so maintained by painting, restoring or replacing of the surfaces.
- 19.3 Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained to be structurally sound and prevent collapse of the same or injury to the occupants of the building or to the public.
- 19.4 The exterior walls of a building shall be maintained in good repair, free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects; without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and

mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

- 19.5 Where the masonry units forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.
- 19.6 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
- 19.7 Metal eavestroughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.
- 19.8 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance, which by themselves or when treated provide adequate protection from the weather.
- 19.9 Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 19.10 Openings in exterior walls not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin, rodents, insects, or other pests.
- 19.11 Balconies, porches, decks, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
 - 19.11.1 in good repair and free from unsafe conditions;
 - 19.11.2 free from rubbish and debris;
 - 19.11.3 properly and safely anchored;
 - 19.11.4 protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
 - 19.11.5 free from broken or missing glass.

- 19.12 Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface and, where necessary, to restore the surface as closely as possible to its original condition.

20 ROOFS

- 20.1 The roof of a building including the fascia, soffit, cornice flashing, and coping shall be maintained in a watertight condition to prevent leakage of water into a building.
- 20.2 Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 20.3 Any deteriorated or damaged roof shingles shall be replaced.
- 20.4 Every roof shall be maintained free from dangerous accumulations of snow or ice or both and they shall be removed as soon as possible from the roofs of buildings.
- 20.5 All roofs shall be free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
- 20.6 A roof shall be kept clean and free from rubbish or other debris.
- 20.7 Where eaves troughing, roof guttering and down piping is provided, it shall be maintained in good repair to be watertight and securely fastened to the building at all times.
- 20.8 All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated and protected by paint, preservatives or other weather-resistant materials.
- 20.9 Every roof shall be maintained so that roof decks and related guards are in a good state of repair.
- 20.10 Every chimney, smoke flue, gas vent stack, aerials, satellite dishes, lightning arrestors and other roof structures and their supporting members shall be maintained in a safe condition, maintained plumb and in good repair so as to be:
- 20.10.1 free from loose or missing bricks, mortar and loose or broken capping; and,
- 20.10.2 free from loose or rusted stanchions, braces and attachments; and,

20.10.3 free from fire or accident hazard.

20.10.4 clear of obstructions;

20.10.5 free from open joints.

20.11 No roof drainage shall be discharged on an entranceway, walkway, stair or neighbouring property, or on to any impervious road allowance or in such a manner that it will penetrate or damage the building or structure.

20.12 The above does not apply where it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations in a non-residential property.

21 STAIRWAYS AND PORCHES

21.1 Inside or outside stairways and any porch, deck, balcony, verandah or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard and all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

21.2 A handrail shall be installed in a stairwell or open stairway with more than three risers and a guard shall be installed on the open sides of any balcony or landing more than 0.61 m (2 ft.) above any adjacent surface, in accordance with the requirements of the *Ontario Building Code*. New guards being installed require a permit from the Town's Building Department.

21.3 Handrails and guards shall be maintained in good repair to provide protection against accident or injury.

21.4 Inside or outside stairways must be maintained free from accumulation of items, things or ornaments that may pose a safety hazard when entering and exiting a building.

21.5 All stairs, porches and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.

21.6 All ramps, stairs, stairs within dwelling units having more than two (2) risers and exterior stairs having more than three (3) risers shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.

- 21.7 All open sides of interior and exterior stairs of multiple residential buildings shall be protected by a guard installed securely in accordance with the *Ontario Building Code*.
- 21.8 For all repairs and replacement of parts of landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be protected by a non-climbable guard having a minimum height of 1.07 m (3 ft. 6 in.) if the height above grade is over 1.8 m (5 ft. 11 in.), for grade below 1.8 m (5 ft. 11 in.) the height of the guards is 91 cm (36 in.) for the exterior. For the interior all guards are to be 0.9 m (3 ft.) high. Existing guards that are not deteriorated are acceptable.
- 21.9 Replacement and repairs to guards around exterior balconies of a multiple residential building shall be redesigned so that no member, attachment or opening located between 14 cm (5.5 in.) and 89 cm (11 in.) above the balcony floor will facilitate climbing.
- 21.10 For all replacement and repairs to openings through a guard on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be such so as to prevent the passage of a spherical object having a diameter of 10 cm (4 in.)
- 21.11 All exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than maintenance purposes serving not more than one dwelling unit shall be protected by a guard having a minimum height of 106.5 cm (3 ft. 6 in.) except that guards for porches, decks, landings and balconies serving not more than one dwelling unit and which are not more than 1.8 m (5 ft. 11 in.) above the finish ground level may be a minimum of 89 cm (2 ft. 11 in.) high.
- 21.12 For all replacement and repairs to guards on all exterior stairs serving not more than one dwelling unit shall be not less than 79 cm (2 ft. 7 in.) high measured vertically above a line drawn through the outside edges of the stair nosing.
- 21.13 For all replacement and repairs to all open sides of interior stairs within a dwelling unit shall be protected by a guard not less than 79 cm (2 ft. 7 in.) high measured vertically above a line drawn through the outside edges of the stair nosing.
- 21.14 Guards on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 60 cm (24 in.) within a dwelling unit shall be not less than 89 cm (35 in.) high.

- 21.15 For all replacement and repairs to openings through a guard on a balcony, stair, landing and the floor level around a stairwell serving not more than one dwelling unit shall be of a size so as to prevent the passage of a spherical object having a diameter of 10 cm (4 in.).
- 21.16 Guards around porches, decks, and exterior balconies of a dwelling unit shall be designed so that no member, attachment or opening located between 89 cm (2 ft. 11 in.) and 1.40 m (4 ft. 7 in.) above the balcony floor will facilitate climbing.
- 21.17 All open sides of interior and exterior stairs of a non-residential building shall be protected by a guard having a minimum height of 89 cm (2 ft. 11 in.) measured vertically above a line drawn through the outside edges of the stair nosing.
- 21.18 For replacement and repairs to all interior and exterior balconies, landings, galleries, mezzanines, decks porches, floor openings and roofs to which access is provided for other than maintenance purposes of a non-residential building shall be protected by a guard having a minimum height of 106.5 cm (3 ft. 6 in.).
- 21.19 For replacement and repairs openings through a guard on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than maintenance purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 10.2 cm (4 in.) in residential occupancies, day care centres, nurseries or other similar occupancies where children may be present and 20.5 cm (8 in.) in other non-residential buildings.
- 21.20 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a strong substantial manner and securely fixed to the building in accordance with the *Ontario Building Code*.

22 FLOORS

- 22.1 Every floor in a building shall be reasonably level and maintained in good repair so as to be free of all loose, warped, protruding, broken or decayed flooring, or other hazardous conditions that may cause an accident or allow dirt or mould to accumulate, or surfaces that might admit rodents into a room and all defective floor boards shall be repaired or replaced.
- 22.2 Where floors have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired or replaced.
- 22.3 Any repair or replacement required floor covering shall be such that the material used shall have a finish similar to that of the original covering.

- 22.4 Every bathroom, toilet room, shower area and kitchen floor shall be of suitable material to be impervious to water and easily cleaned and sanitized.

23 DOORS, WINDOWS AND SECURITY

- 23.1 Windows, doors and basement cellar hatchways shall be maintained in good repair and weather-tight condition to prevent drafts or leakage and protected by suitable material to prevent the entry of vermin into the building. Rotted or damaged doors, doorframes and their components, window frames, sashes and casings shall be renewed and defective hardware, weather stripping and broken window glass shall be replaced.
- 23.2 Doors, door frames, window frames, sashes, casings and weather stripping that have been damaged or show evidence of decay or other deterioration shall be painted, repaired or replaced.
- 23.3 All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened and closed easily, and being locked unless, in the case of windows, the windows were manufactured to be fixed or that they have been permanently sealed and the room has adequate ventilation.
- 23.4 In a dwelling unit, all exterior doors and windows shall have hardware so that it can be locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so that it can be locked from both inside and outside the dwelling unit.
- 23.5 In an apartment building with a security system in place where persons are required to contact an occupant prior to being granted entry into the building, all intercom equipment shall be kept free of defects and in good working order at all times.
- 23.6 In dwelling units, interior doors and doorframes, including automatic door closers and all necessary hardware, shall be maintained in good repair to ensure the proper operation and integrity of the door, and the door shall be a good fit in its frame.
- 23.7 Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in good repair. Access doors, as above, shall afford the occupants of the dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
- 23.8 For repair and replacement, every window in a non-residential building located above the first storey in corridors, stairways and other public areas that extends to less than 106.5 cm (3 ft. 6 in.) above the floor or landing shall be protected by

a guard at least 106.5 cm (3 ft. 6 in.) in height and having no openings large enough to permit the passage of a spherical object with a diameter of 20.5 cm (8 in.) and shall be non-climbable.

23.9 The following items shall be repaired or replaced in all buildings:

23.9.1 missing glass;

23.9.2 broken glass;

23.9.3 missing door hardware;

23.9.4 defective door hardware;

23.9.5 missing window hardware;

23.9.6 defective window hardware.

23.10 Every entrance door in every dwelling unit shall have a locking device capable of being locked from both inside and outside the dwelling unit.

23.11 Every entrance door in every rooming house unit shall have a locking device capable of being locked from both inside and outside the rooming unit.

23.12 All windows intended to be opened and all exterior doors shall have hardware capable of being locked or otherwise secured from inside the dwelling unit.

23.13 All windows in a dwelling unit designed to be opened shall be fitted with screens to effectively prevent the entrance of vermin and shall be maintained in good repair.

23.14 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.

23.16 In common and public areas of multi-unit residences, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.

23.17 Garage doors shall be;

23.17.1 kept in good repair and structurally sound;

23.17.2 kept free from holes and cracks;

23.17.3 able to open and close without impediment;

23.17.4 able to open manually if there is an interruption in power or if there is a mechanical failure;

23.17.5 kept free from cracked or peeling paint or any other damaged exterior finishing;

23.17.6 kept free of any graffiti.

23.18 Garage doors equipped with an automatic closing mechanism shall be equipped with an operational sensory device to detect any person, vehicle, animal or object when crossing its path, so that it may prevent harm.

24 WALLS AND CEILING

24.1 Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose or torn coverings, damaged or deteriorated plaster, loose or broken masonry or other material, or other defects that may be a safety hazard, and all repairs shall be finished to match the existing wall or ceiling.

24.2 Walls surrounding showers and bathtubs shall be of suitable material and maintained to be water-resistant and readily cleaned.

25 WATER SUPPLY

25.1 Every dwelling unit shall be provided with adequate supply of potable running water supplied by the Town's water system or an approved system which is acceptable to the District Health Unit and the *Ontario Building Code*.

25.2 Hot and cold running water shall be supplied and be of an adequate flow and pressure for the following items:

25.2.1 a bathtub or shower;

25.2.2 a washbasin, and/or a sink;

25.3 Cold water shall be supplied for toilets, and shall be supplied with sufficient water and pressure to effectively flush the toilet.

25.4 Hot water shall be supplied at a temperature of not less than 45° C (113° F) and not more than 49° C (120° F) in a quantity of at least 165 litres (43 gallons) for 15 minutes with a minimum recovery rate for the temperature of 45 litres (11.8 gallons) per hour.

- 25.5 All plumbing, drainpipes, water pipes, plumbing fixtures and every connecting line to the sewage system shall:

25.5.1 comply with the requirements of all applicable government regulations;

25.5.2 be maintained in good working order free from leaks or defects;

25.5.3 be protected from freezing and

25.5.4 in the event remedies are required, they shall conform to the *Ontario Building Code*.

26 PLUMBING SYSTEM

- 26.1 All buildings shall have the sanitary facilities connected to the Town of Carleton Place's sewage system. Where a building does not have its sanitary facilities connected to the Town's sewage system, it shall be connected to a septic system and maintained at a standard acceptable to the District Health Unit.
- 26.2 All plumbing fixtures and appliances installed within a dwelling shall be maintained in good working condition and in a clean and sanitary condition.

28 TOILET AND BATHROOM FACILITIES

- 28.1 Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one (1) water closet, one (1) wash basin and one (1) bathtub or shower.
- 28.2 Every sink, wash basin and laundry facility in a dwelling shall be provided with an adequate supply of hot and cold running water.
- 28.3 All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.
- 28.4 All bathrooms and toilet rooms shall be fully enclosed and fitted with a door capable of being closed to provide privacy for the occupant.
- 28.5 The wash basin may be located in the same room as the water closet or in an adjoining room.
- 28.6 The occupants of two (2) dwelling units each containing no more than two (2) habitable rooms may share toilet and bathroom facilities provided that access to the facility can be gained without going through rooms of another dwelling unit, along an unheated corridor, or outside the building containing the dwelling units.

- 28.7 Each toilet room shall be provided with at least one (1) opening for natural ventilation, or if natural ventilation is not provided then a system of mechanical ventilation is required. All ventilation shall conform to the *Ontario Building Code*.
- 28.8 Bathtubs or showers shall be caulked so as to form a continuous seal impervious to water penetration.

29 KITCHENS

- 29.1 Every self-contained dwelling unit shall have a kitchen area equipped with cupboards for storing food, a countertop work area, space for a stove and refrigerator, and a sink supplied with hot and cold running water.
- 29.2 Kitchen area countertop, cupboards and sink shall be maintained in good working order.
- 29.3 Countertop work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may cause an accident or health problems.
- 29.4 In a dwelling units equipped with refrigerator, cooking stove, kitchen fixtures and fittings, such appliances, fixtures and fittings shall be maintained in good repair and good working order.
- 29.5 Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking and refrigeration purposes.
- 29.6 Every supplied facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 29.7 The following items in a kitchen shall be maintained in good repair or replaced:
- 29.7.1 cupboards;
 - 29.7.2 cupboard doors;
 - 29.7.3 cupboard door hardware;
 - 29.7.4 drawers;
 - 29.7.5 drawer hardware; and
 - 29.7.6 countertops.

30 HEATING SYSTEMS

- 30.1 Every dwelling and every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 20° C (68° F) at 1.5 m (4 ft. 11 in.) above the floor level in all habitable rooms, bathrooms and toilet rooms and shall be maintained in good working order.
- 30.2 Heating shall be available in all dwelling units from September 1 until May 31 of the next year.
- 30.3 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable government regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 30.1.
- 30.4 No room heater shall be placed that may cause a fire hazard to walls or any other equipment or to impede the free movement of persons within the room where the heater is located.
- 30.5 A heating system supplied for non-residential buildings where people are employed shall be capable of safely maintaining a 20° C (68° F) temperature, unless the approved non-residential use requires an alternate temperature.

31 ELECTRICAL SERVICES

- 31.1 Every dwelling unit shall be wired for electricity, and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards in normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 31.2 No owner or occupant, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for a dwelling unit occupied by a tenant except for such a reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 31.3 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in safe and complete condition, and in good working order, with appropriate covers installed.
- 31.4 An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling unit except where the lease makes the tenant

responsible for the supply of electricity and where the supplier has discontinued the service because of arrears in payment.

32 LIGHTING

- 32.1 Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement, shall have a window or windows, skylights or translucent panels that face directly to the outside, at least 15 cm (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than 10% of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area requirements as prescribed by the *Ontario Building Code*.
- 32.2 An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room, service room and kitchen. All halls and stairs in dwellings shall be sufficiently lighted to provide a safe passageway.
- 32.3 Standby lighting shall be provided at floor level in exits and corridors used by the public for safe passage.
- 32.4 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and basement in a dwelling.
- 32.5 In multi-residential properties, multiple dwellings and non-residential buildings, every exit door to the outside shall have an illuminated exit light and illumination must be provided for all exterior stairways from top floor levels to grade.
- 32.6 In every dwelling unit, bedrooms shall have a window or windows, skylights or translucent panels which face directly to the outside.

33 VENTILATION

- 33.1 Every bathroom, restroom or toilet room shall be provided with either a natural or mechanical ventilation system in accordance with the *Ontario Building Code*.
- 33.2 All systems of mechanical ventilation shall be maintained in good working order.
- 33.3 Every basement, cellar, attic roof space or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than 1% of the floor area for basements and 0.09 m² (1 sq. ft.) for every 46.5 m² (500 sq. ft.) of crawl space area: an opening for natural ventilation is not required if mechanical ventilation is provided which changes the air once each hour.

34 AIR CONDITIONERS AND WATER-COOLED EQUIPMENT

- 34.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks, pathways or neighbouring properties.
- 34.2 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 a manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable government regulations.

35 OCCUPANCY STANDARDS

- 35.1 A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- 35.2 The maximum number of occupants in any dwelling unit shall not exceed one (1) person per 9.29 m² (100 sq. ft.) of habitable room floor area.
- 35.3 For the purpose of computing the habitable room space, any child under one (1) year of age shall be deemed one-half (1/2) person.
- 35.4 Every newly constructed room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 m² (64.5 sq. ft.) with not less than 3.71 m² (40 sq. ft.) for each additional occupant, provided that for the purpose of this Subsection, two (2) children under the age of six (6) years may be counted as one (1) person.
- 35.5 Access to each habitable room shall be gained without passage through a furnace, boiler room or hazardous equipment room.

36 DISCONNECTIONS AT PROPERTIES

- 36.1 No owner, nor anyone acting on their behalf, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for residential property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

- 36.2 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility being supplied to residential property occupied by a tenant or lessee is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence.
- 36.3 In a mixed-use property, no owner or occupant thereof, nor anyone acting on behalf of such owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the residential portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 36.6 The Town may recover the expenses incurred by court action or in like manner of taxes for any costs they incur to have properties reconnected, unless such disconnects have been done by the utility companies for unpaid services by the tenant or lessee.

38 NOTICE OF VIOLATION

- 38.1 The Property Standards Officer may issue a notice of violation to the owner(s) or persons responsible for a property that does not conform to the standards of this by-law.
- 38.2 The Property Standards Officer may prohibit use of a property that does not conform to the standards of this by-law and may also cause a placard to be placed on the exterior of said property which states the particulars of the non-conformity and that use of the property is prohibited until conformity is restored. No person shall remove or deface any such placard.
- 38.3 At any time, the Property Standards Officer may:
- 38.3.1 rescind the notice of violation;
 - 38.3.2 extend the time for compliance with the notice of violation;
 - 38.3.3 modify the requirements of the notice of violation; or
 - 38.3.4 abandon the notice of violation and seek resolution by way of an order.
- 38.4 A notice of violation is not enforceable.
- 38.5 A notice of violation may be introduced in evidence in like manner as an order.

39 ORDERS

- 39.1 An Officer who finds that a property does not conform to any of the standards established by this by-law, or has not received a response to a notice of violation by the due date indicated on said notice, may make and serve or cause to be served upon the owner or the person(s) responsible for the property, an order to compel compliance containing:
- 39.1.1 the municipal address or legal description of the property;
 - 39.1.2 reasonable particulars of the repairs to be completed or a statement that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and leveled condition;
 - 39.1.3 the time period for compliance with the terms and conditions of the order;
 - 39.1.4 notice that such repair or clearance is at the expense of the owner;
 - 39.1.5 the final date for giving notice of appeal for the order.
 - 39.1.6 notice that, if the repair or clearance is not carried out within the time period specified on the order, the municipality may carry out the repair or clearance at the owner's expense.
- 39.2 An 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 date on which the order was originally served and, when the requirements of the order are found to have been satisfied, the Clerk 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.
- 39.3 An order shall be served personally or sent by registered mail to the person to whom notice is to be given, or that person's agent for service. A copy of the order may be posted on the property.
- 39.4 An order served by registered mail shall be deemed to have been served on the 3rd business day after the date of mailing.
- 39.5 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to the *Ontario Building Code Act*, or this by-law.

- 39.6 If the owner of a property fails to demolish or repair the property in accordance with the requirements of an order, as confirmed or modified, the Town, in addition to other remedies, shall:

39.6.1 have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property;

39.6.2 not be liable to compensate such owner or other person by reason of anything done by or on behalf of the municipality under the provisions of this by-law; and

39.6.3 be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.

- 39.7 Service of a notice or order required by the Act or this by-law shall be served in accordance with Section 27 of the *Building Code Act*.

- 39.8 A notice or an order under Subsection 38.1 and 39.1 and 40.1 when sent by registered mail shall be sent to the last known address of the party or parties involved.

40 EMERGENCY POWERS

- 40.1 Notwithstanding any other provisions of this by-law, if upon inspection of a property, the Officer is satisfied there is a non-conformity with the standards prescribed in this by-law to such an extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing details of the non-conformity and the danger it poses, and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

- 40.2 After making an order under Subsection 40.1, the Officer may either before or after the order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose, the municipality has the right, through its servants and agents, to enter upon the property from time to time.

- 40.3 If the Officer is unable to effect service under Subsection 40.1, he or she shall place a placard containing the terms of the order in a conspicuous place on the property, and placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.

- 40.4 An order under Subsection 40.1 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

under Subsection 40.1 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 such order.

- 40.5 The Officer, Town or anyone acting on behalf of the Town 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 power under Subsection 40.2.

41 RESPONSIBILITY OF OCCUPANTS

- 41.1 Notwithstanding the responsibility of the owner, where the maintenance of any property affected by this by-law is, by the written terms of a lease or an agreement for occupancy, made the responsibility of the occupant, the Property Standards Officer may require the occupant to repair and maintain the property to the satisfaction of the Property Standards Officer, in accordance with the particulars of the repairs set forth in the order.

39 ACCESS TO PROPERTY STANDARDS NOTICES AND ORDERS

- 39.1 In a form that complies with the Municipal Freedom of Information and Protection of Privacy Act, a copy of a Notice or Order is to be made available to a tenant as follows:

39.1.1 Unit Notices and Orders -Where a Notice or Order is issued with respect to a rental unit, a copy of the Notice or Order shall be forwarded to the tenant at the same time, for their information. Upon request, a copy of the Notice or Order shall also be sent to the tenant's legal representative or agent or tenants' association.

39.1.2 Common Area Notices and Orders - A copy of the Common Area Order shall be posted in a conspicuous location in the building, for the information of all tenants. Where a Notice or Order is issued with respect to the common areas of the building, a copy of the Notice or Order shall be

.1 forwarded to a tenant or their legal representative or agent, upon request.;

.2 Members of Council shall be entitled to any and all copies of Notices or Orders upon request; and

.3 a standard maintenance request form shall be developed and this form shall be made available to tenants on the Town's website.

42 PROPERTY STANDARDS COMMITTEE

- 42.1 A Property Standards Committee shall be established of people appointed by the Striking Committee of Council.
- 42.2 The members of the Committee shall appoint one of themselves as chair, and when the chair is absent, the Committee may appoint another member to act as chair “pro tempore” and any member of the Committee may administer oaths.
- 42.3 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 74 of *The Municipal Act* applies “mutatis mutandis” to such documents. The secretary shall be comprised of a municipal staff member appointed by the Committee.
- 42.4 A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under Subsection 43.1, notice shall be given of such hearing to all persons that the Committee considers in need of such notice.
- 42.5 Where a person is properly notified of a hearing and does not attend at the time and place appointed, the Committee may proceed in that person’s absence and without further notice to that person.

43 APPEALS

- 43.1 Where a notice of violation issued under Subsection 38.1 has been served, the owner or person responsible for the remedy of said violation(s) has seven (7) days to appeal the notice and its contents. The appeal hearing is held on the seventh (7th) day from the date of service, unless other arrangements have been made with the Property Standards Officer before the date of the meeting. At this time, the Property Standards Officer will discuss the contents with the person to whom the notice has been given. The timetable and items to be remedied will be agreed upon and noted for the files.
- 43.2 Where an order to comply has been served in accordance with Section 39 and the owner or occupant is not satisfied with the terms or conditions of the order, they may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order. If no appeal is made, the order shall be deemed to have been confirmed.
- 43.3 Where an appeal has been made, the Committee shall hear the appeal and shall have all the powers and functions of the Officer, and may confirm the order to demolish or repair, or may modify or rescind it or extend the time for complying if

the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

- 43.4 The Town, or any owner, occupant or person affected by the decision under subsection 43.2 may appeal to a judge of the Ontario Court (General Division) by 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:

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

43.4.2 The appointment shall be served in the manner prescribed by the judge; and

43.4.3 The judge on such appeal has the powers and functions as the Committee.

- 43.5 The order, as deemed to have been confirmed pursuant to Subsection 43.1, or as confirmed or modified by the Committee pursuant to Subsection 43.2, or in the event of an appeal to the judge, pursuant to Subsection 43.4, as confirmed or modified by the judge, shall be final and binding upon the owner, occupant or persons affected by the decision, who shall make the repair or effect the demolition within the time and in the manner specified by the order.

44 POWER OF CORPORATION TO REPAIR

- 44.1 If the owner or occupant of a property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Corporation of the Town of Carleton Place in addition to all other remedies:

44.1.1 shall have the right to demolish or repair property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property; and

44.1.2 shall 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 of the Town of Carleton Place under the provisions of this Subsection; and

44.1.3 shall charge an administrative fee for services rendered on said property in accordance with an order as confirmed or modified.

45 MUNICIPAL LIEN

- 45.1 The municipality shall have a lien on the land for the amount spent on the repair or demolition under Subsection 44.1 and the amount shall be deemed to be municipal realty property taxes and may be added by the Treasurer of the Town to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

46 CERTIFICATE OF COMPLIANCE

- 46.1 Following the inspection of a property, the Officer may, and on the request of the owner, shall issue to the owner a certificate of compliance if, in their opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be in accordance with the Town's current Fees and Charges By-law.
- 46.2 Inspection of a property requested by the property owner or potential property owner may be charged for an inspection and a report in accordance with the Town's current Fees and Charges By-law.
- 46.3 To issue a certificate of compliance with regards to outstanding notice of violations under section 38.1, and/or orders issued under section 39.1, a fee as outlined in the Town's current Fees and Charges By-law shall apply.

47 PENALTY

- 47.1 A person or owner who fails to comply with an order, direction or requirement that is final and binding under this by-law is guilty of an offence under the *Building Code Act* and is liable to a penalty or penalties as set out therein.
- 47.2 A person who is convicted of an offence is liable to a fine pursuant to the *Building Code Act* of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
- 47.3 If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.
- 47.4 Pursuant to Subsection 441.1 of the *Municipal Act, 2001*, the Treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality of which all of the owners are responsible.

48 VALIDITY

- 48.1 Where a provision of this by-law conflicts with the provisions of another by-law or provincial or federal legislation that is in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 48.2 It is declared that if any section, Subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, Subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such and shall remain in effect until repealed.
- 48.3 This by-law shall come into force and take effect upon its passing.
- 48.4 That By-law 64-2008, being a by-law prescribing Property Standards for the Corporation of the Town of Carleton Place, is hereby repealed in its entirety.

49 TRANSITIONAL RULES

- 49.1 After the date of the passing of this by-law, By-law No. 64-2008, as amended, shall apply only to those properties in which a notice or order to comply has been issued prior to the date of passing of this by-law, and then only to such properties, until such time as the work required by such order has been completed or any enforcement proceedings with respect to such order has been completed, or any enforcement proceedings with respect to such order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

50 SHORT TITLE

This by-law shall be called the "Property Standards By-law."

READ A FIRST TIME, A SECOND TIME, A THIRD TIME AND FINALLY PASSED THIS
 ____ DAY OF _____ 2020.

 Doug Black, Mayor

 Stacey Blair, Clerk

COMMUNICATION 131111

Received From: Pascal Meunier, Director of Protective Services
Addressed To: Committee of the Whole
Date: October 13, 2020
Topic: Purchase of a Speed Spy Camera

SUMMARY

The Carleton Place Police Services Board recommends the purchase of a floor model Decatur Electronic SpeedSpy.

BACKGROUND

The Carleton Place Police Services Board has used a SpeedSpy traffic radar device to measure speeding concerns within the Town of Carleton Place for many years. The SpeedSpy currently used is owned by the Lanark County OPP Detachment and is shared throughout all eight (8) municipalities within Lanark County, and is not always available for the Town of Carleton Place to use. With the significant population growth the Town is experiencing, traffic throughout Town is increasing along with the number of traffic complaints received. The Carleton Place Police Services Board discussed this matter at its regular meeting held on September 14, 2020 and based on the advice of Sergeant Rob Croth, the Board recommends the purchase of a floor model Decatur Electronic SpeedSpy that is presently available.

DISCUSSION

The purchase of a SpeedSpy will benefit both the OPP when it receives concerns about speeding on roads in Town and will be valuable in assisting Public Works staff with traffic control in our community. The Decatur Electronic SpeedSpy model to be purchased will be extremely beneficial to the O.P.P. and Public Works since it will provide more detailed two-way street traffic statistics than currently provided by the OPP's SpeedSpy which only collects data in one direction at a time. When a speeding complaint is received, the SpeedSpy will determine whether there is in fact a traffic issue. Unlike the digital speed sign which is also used by the Town which shows drivers their speed on a display screen, the SpeedSpy is very discreet and therefore provides an accurate reflection of vehicle speeds as drivers are not aware of the device and therefore do not alter their speed when driving down a road.

At the September 14, 2020 PSB meeting, the following motion was approved:

Moved by Toby Randell

Seconded By Wayne Drummond

THAT the Police Services Board recommends to Council that an electronic Speedspy be purchased for exclusive use by the municipality at an estimated cost of \$2,200 plus HST; and

THAT staff prepare a report to Committee of the Whole regarding the recommended purchase; and

THAT a digital sign to replace the existing digital sign be brought forward during the 2021 budget process.

CARRIED

The Board is seeking Council's approval on the purchase of this device to assist with the enforcement and prevention of speeding and traffic incidents in our community.

FINANCIAL IMPLICATIONS

The total discounted cost of the floor model SpeedSpy is \$2,000 plus HST which provides a savings of \$700 plus HST plus freight. The project was not included in the Department's 2020 Operating budget, however, it can be paid for through savings from the bike patrol contract which was not used in its entirety due to COVID.

STAFF RECOMMENDATION

THAT Council authorizes the purchase of a floor model Decatur Electronic SpeedSpy from DAVTECH Analytical Services (Canada) Inc. at a cost of \$2,000 plus HST and freight with the budget deviation be paid from savings in the 2020 bike patrol contract.

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
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Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

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234-2020-3137

Ms. Trisa McConkey
Treasurer
Town of Carleton Place
175 Bridge Street
Carleton Place, ON, K7C 2V8

Dear Ms. McConkey:

Trisa

I am pleased to inform you that you are one of the 15 winners of the 2019 Financial Information Return (FIR) Award. Thank you for your efforts and contribution in ensuring that timely, reliable, and accurate financial information was submitted for the Town of Carleton Place's 2019 Financial Information Return. Your municipality will be identified on the FIR website (<https://efis.fma.csc.gov.on.ca/fir/Welcome.htm>) as one of the winners of this award.

As you know, the FIR reports capture important financial and statistical information for each municipality in the province. This assists the Ministry of Municipal Affairs and Housing in providing the most current information to the growing number of users of our municipal database and provides important information to inform government decision making.

Thank you for the leadership and diligence your municipality has demonstrated in this important area.

Sincerely,


Steve Clark
Minister

Congratulations !

c: Mayor Doug Black

September 17, 2020

Dr. Paula Stewart, Medical Officer of Health
25 Johnston Street
Smiths Falls, Ontario
K7A 0A4

Dear Dr. Stewart,

On behalf of the Council of the County of Lanark, I would like to formally recognize the contributions of the staff of the Leeds, Grenville and Lanark District Health Unit in your continuous efforts since the onset of our community's fight against COVID-19.

With pride, we honour and thank you and your team for your crucial and tireless efforts in keeping our communities safe, healthy and educated during these difficult times created by the pandemic.

We will continue to support your guidelines by encouraging our residents to adhere to public health guidelines, including the wearing of face coverings, adhering to proper social distancing and thorough hand hygiene.

As a Council and a Community, we have been so impressed with your dedication to public safety and wellbeing throughout the COVID-19 Recovery Phase and beyond; it has surely helped the region to minimize the risk of the virus spreading in our communities.

In sincere appreciation,



Brian Campbell, Warden
County of Lanark

**Ministry of
Municipal Affairs
and Housing**

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234-2020-4019

September 18, 2020

RE: Parkland Dedication, Development Charges and the Community Benefits
Charges Authority

Dear Head of Council,

As you know, our government introduced the Housing Supply Action Plan last year with the goal of increasing the supply of housing across Ontario. As part of this effort, our Government introduced the community benefits charge (CBC) authority along with changes to the *Development Charges Act* and parkland dedication under the *Planning Act*.

Over the past year, the Ministry of Municipal Affairs and Housing consulted for over 300 days with municipalities, the development industry and the public on the implementation of the framework, including several aspects of the legislation and a regulatory approach. I value the input of our municipal partners.

I am writing to inform you that on September 18th, our government proclaimed the remaining amendments that were made to the *Development Charges Act* and the *Planning Act* by Bill 108, the *More Homes, More Choice Act*, and, Bill 197, the *COVID-19 Economic Recovery Act*. In addition, we have made a new regulation under the *Planning Act* and technical changes to regulations under the *Planning Act*, *Development Charges Act* and *Building Code Act* in order to finalize the framework for development charges, community benefits and parkland.

As of September 18, 2020, municipalities will have two years to transition to the new regimes. This will enable both the municipalities and builders to adjust to these changes in light of the pressures of COVID-19.

We listened to the feedback received during consultations, and that is why we are proposing to prescribe a percentage of 4% for the CBC authority that will be applied to land values to determine the maximum CBC for any particular residential development. The CBC could be used by local governments to fund capital costs of services that are needed due to higher density development and are not being recovered through other tools.

These amendments will enable growth to pay for growth, while also providing greater predictability of development costs in order to increase the supply of housing so that it is more attainable for Ontarians.

I thank you for your continued collaboration throughout the implementation of this new and enhanced framework.

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

- c: Chief Administrative Officers
 Chief Planners
 Municipal Treasurers
 Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing
 Alex Beduz, Chief of Staff to Minister Clark, Municipal Affairs and Housing
 Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division
 Caspar Hall, Director, Municipal Finance Policy Branch

Solicitor General

Office of the Solicitor General

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Solliciteur général

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132-2020-3484

By email

October 2, 2020

Dear Head of Council:

The Ministry of the Solicitor General is committed to keeping communities across Ontario safe, supported and protected. I would like to take this opportunity to share some information with your municipality regarding the anti-racism initiatives of my ministry and the Anti-Racism Directorate (ARD), the regulatory work being done to bring the *Community Safety and Policing Act, 2019*, into force, new police oversight measures, police training as it relates to de-escalation, mental health and diverse communities, mental health and addictions initiatives and investments, Community Safety and Well-Being (CSWB) Planning and police-hospital transition protocol.

Anti-Racism

Our government has zero tolerance for hate, racism or discrimination in all its forms. We share a responsibility to speak out and act against racism and hate and build a stronger society. Our government is committed to addressing racism and building a stronger, more inclusive province for us all.

I am proud to be the minister responsible for Ontario's Anti-Racism Directorate (ARD), which leads strategic initiatives to advance anti-racism work across government with a plan that is grounded in evidence and research. Through the ARD, the government continues to invest in community-led research, public education and awareness initiatives. This includes investments to the Canadian Mental Health Association (CMHA) Ontario to undertake research that seeks to identify key mental health issues impacting survivors of victims of homicide violence in Ontario.

Community Safety and Policing Act, 2019

Our government is also committed to addressing racism at a systemic level through the regulatory framework under the *Anti-Racism Act, 2017*, and through the work we are doing to bring the *Community Safety and Policing Act, 2019*, into force. As we work to develop regulations under the *Community Safety and Policing Act, 2019*, we will continue to engage racialized groups, including Black, South Asian, First Nation, Inuit and Métis organizations. We are committed to ensuring that Ontario's communities are well supported and protected by law enforcement and that all interactions between members of the public and police personnel are conducted without bias or discrimination, and in a manner that promotes public confidence and keeps our communities safe.

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The *Community Safety and Policing Act, 2019*, which is part of the *Comprehensive Ontario Police Services Act, 2019*, provides policing and police oversight legislation. Once in force, the *Community Safety and Policing Act, 2019*, will address a number of recommendations made by Justice Michael H. Tulloch, including:

- Mandatory training for all police service board members, the Inspector General, inspectors, police officers and special constables on human rights, systemic racism as well as training that promotes the diverse, multiracial and multicultural character of Ontario society and the rights and cultures of First Nation, Inuit and Métis Peoples;
- The requirement for each municipality that maintains a municipal board to prepare and publish a diversity plan to ensure members of the board are representative of the diversity of the population of the municipality;
- Not releasing the names of officials and witnesses in SIU investigations;
- Ensuring information made available to the public about an SIU investigation helps them understand the decision made by the SIU director; and
- Ensuring the SIU continues to publish investigative reports on its website.

New Measures for Police Oversight

Inspector General of Policing

The *Community Safety and Policing Act, 2019*, will establish an Inspector General (IG) of Policing who will be required to monitor and conduct inspections related to compliance with the Act and regulations. The IG will work with policing entities to ensure consistent application of policing across the province by measuring compliance with prescribed standards.

Key functions of the IG include:

- Consulting with, advising, monitoring and conducting inspections of police service boards, Ontario Provincial Police (OPP) detachment boards, First Nation OPP boards, OPP Advisory Council, chiefs of police, special constable employers, police services and other policing providers regarding compliance with the Act and regulations.
- Receiving and investigating, if warranted, public complaints about members of police service boards, OPP detachment boards, First Nation OPP boards and the OPP Advisory Council regarding misconduct and policing complaints regarding the provision of adequate and effective policing, failure to comply with the Act and regulations, and policies and procedures.
- Reporting inspection findings, issuing directions to remedy or prevent non-compliance with the Act and imposing measures if the direction is not complied with, or, reprimanding, suspending or removing a board member if board member misconduct is identified.
- Conducting analysis regarding compliance with the Act and regulations.
- Reporting on the activities of the IG annually, including inspections conducted, complaints dealt with, directions issued and measures imposed; and compliance with the Act and regulations.

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The Act also gives the IG and its inspectors the right to access closed police service board meetings.

Law Enforcement Complaints Agency

The *Community Safety and Policing Act, 2019* will continue the office of the Independent Police Review Director as the Law Enforcement Complaints Agency (LECA), headed by the Complaints Director.

The LECA will receive and screen complaints from the public about the conduct of police officers. In addition, the LECA will have the authority to initiate an investigation in the absence of a public complaint if, in the Complaints Director's opinion, it is in the public interest to do so.

The Complaints Director may also undertake reviews of issues of a systemic nature that have been the subject of public complaints or investigations, or that may contribute or otherwise be related to misconduct.

The Special Investigations Unit

The *Special Investigations Unit Act, 2019*, (SIU Act), once in force, will set out a new legal framework for the SIU. The SIU Act will focus and clarify the mandate of the SIU to better ensure more timely, efficient, reasonable and transparent investigations. Key changes contained in the Act will focus the SIU's investigative resources where they are needed most – on criminal activity.

The Ministry of the Attorney General will continue to consult with law enforcement, community organizations and advocates to ensure their input is incorporated into the development of regulations under the SIU Act.

Police Training

Training is developed and delivered in a manner that reinforces principles of fairness, equity and compliance with the Ontario *Human Rights Code* and *Canadian Charter of Rights and Freedoms*.

All Basic Constable Training (BCT) recruits undergo diversity-focused training designed to improve their ability to engage with the public and respond to victims of crime. This training focuses on improving recruits' understanding of the experiences of, and systemic barriers faced by, diverse communities, including racialized, Indigenous, First Nations and Metis, and Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning and Two-Spirited (LGBTQ2S) people.

Diversity and anti-racism training includes:

- Human rights framework for policing;
- Equity and inclusion;
- Harassment and discrimination;

- Defining police professional;
- Collection of Identifying Information in Certain Circumstances regulation;
- History of profiling in policing and the impact of racial profiling on the community;
- Profiling practices and the mindset behind it;
- Stereotyping;
- Bias free policing – racial profiling vs. criminal profiling;
- Hate crimes and bias incidents of a non-criminal nature; and
- Practical skills scenario that reinforces academic learning on hate crimes.

Training on Indigenous issues includes:

- Indigenous culture;
- Residential schools;
- Land claims and treaties;
- First Nations Policing;
- Cultural appropriation;
- Cultural practices; and
- Practical skills scenario that reinforces academic learning on Indigenous issues.

The Serving with Pride organization attends each intake to deliver a presentation to all recruits entitled “LGBTQ2S 101” which covers a number of issues related to the LGBTQ2S communities including historical events, current and appropriate terminology, gender expression, gender identity and other topics.

In addition to the standalone sessions, the above noted issues are interwoven and reinforced throughout the BCT program. For example, recruits are taught to respond to victims in a trauma-informed manner for all victims of crime acknowledging potentially vulnerable groups.

De-escalation and Mental Health Crisis Response Training

The Ontario Police College’s current de-escalation training emphasizes communication techniques such as establishing rapport, threat management and conflict resolution and mediation.

The training specifically addresses scenarios in which police interact with people in crisis with a goal of resolving conflicts in a manner that protects the safety of the public, the person in crisis and police officers. Officers must also undertake follow-up training every 12 months. Police services are also encouraged to have policies and procedures in place as set out in the “Use of Force” Guideline. This includes procedures for impact weapons, aerosol weapons, conducted energy weapons, firearms and use of force reporting.

Training on the BCT program is reviewed and updated to reflect the most current information after every BCT intake.

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Once in force, the *Community Safety and Policing Act, 2019*, will require all police officers, special constables and board members to successfully complete training related to human rights, systemic racism and the rights and cultures of Indigenous Peoples. This training will also be required for the new Inspector General of Policing, its inspectors, the Complaints Director at LECA and LECA investigators. This is part of the government's commitment to ensure that all interactions are conducted without bias or discrimination, and in a manner that promotes public confidence and keeps communities safe.

Mental Health and Addictions Initiatives and Investments

Dedicated Funding for Mental Health and Addictions Programs

Ontario's community mental health services include:

- assertive community treatment teams, case management, crisis intervention, early psychosis intervention, eating disorders programs, vocational programs, supportive housing and consumer/survivor initiatives, peer supports and other programs; and
- initiatives to keep people with serious mental health issues out of the criminal justice system which include, but are not limited to, court support and diversion, crisis intervention and safe beds.

In July 2018, Ontario announced its commitment to invest \$3.8 billion over 10 years, with the support of the Government of Canada, to develop and implement a comprehensive and connected mental health and addictions strategy. This includes \$174 million for mental health and addictions programs in 2019-20. As part of the \$174 million commitment of funds to support mental health and addictions in 2019-20, my ministry partnered with the Ministry of Health to announce \$18.3 million in new funding to support those affected by mental health and addictions challenges in the justice sector.

Specifically, in 2019-20, the Ministry of Health provided funding for an integrated set of mobile crisis services that assist in the de-escalation and stabilization of persons in crisis and their connection to community programming and supports to address their physical and mental well-being over the longer term, in order to prevent further crises. Five teams were implemented in 2019-20 with \$6.95 million of the \$174 million in new, annualized funding to develop and enhance mobile crisis services. Mobile crisis services partner police with community mental health organizations to respond to persons in mental health and addictions (MHA) crises and determine if the crisis:

- can be de-escalated and resolved at the scene;
- warrants further psychiatric attention at hospital emergency rooms; or
- requires short-term community stabilization and reintegration.

Part of the \$18.3 million in new funding also includes \$2.5 million for various programs run by the ministry, one of which includes de-escalation training.

Ministry of the Solicitor General Grant Programs

Apart from the dedicated funding for mental health and addictions programs highlighted above, the ministry also offers a number of grant programs that are primarily available to police services, working in collaboration with municipal and community partners, to support local Community Safety and Well-Being (CSWB) initiatives, including mental health-related programs. For example, under the 2019-20 to 2021-22 Community Safety and Policing Grant local and provincial priorities funding streams, the ministry is providing funding to 27 police services/boards for projects involving an integrated response between police and a mental health worker to respond to situations of crisis (e.g., Mobile Crisis Response Teams).

Community Safety and Well-Being Planning

The ministry developed the *Community Safety and Well-Being Planning Framework: A Shared Commitment in Ontario* booklet, which includes the CSWB Planning Framework and a toolkit of practical guidance documents to assist municipalities, First Nations and their community partners as they engage in the CSWB planning process. The Framework encourages communities to work with various partners across sectors to proactively identify and address local priority risks in the community before they escalate and result in situations of crisis (e.g., crime, victimization or suicide). This involves reducing the number of incidents that require enforcement by shifting to more proactive, preventative programs and strategies that improve the social determinants of health (e.g., education, housing, mental health).

In support of this work, effective January 1, 2019, the government mandated municipalities lead the development of CSWB plans which identify and address local priority risks to safety and well-being, working in partnership with police services/boards and various other sectors, including health/mental health, education, community/social services and children/youth services.

Complementary to the Framework, a Situation Table is one type of multi-sectoral risk intervention model that is being implemented across our province.

The ministry also offers the Risk-driven Tracking Database (RTD), which allows for the collection of risk-based data and helps to inform the CSWB planning process, free of charge to communities across Ontario that are engaged in multi-sectoral risk intervention models, such as Situation Tables. As of June 2020, 60 sites have been on-boarded to the RTD and any communities who are interested in being on-boarded to the RTD is encouraged to contact the ministry.

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Police-Hospital Transition Protocol

Additionally, to improve front-line response to persons experiencing a mental health or addictions-related crisis, my ministry partnered with the Ministry of Health to support the Provincial Human Services and Justice Coordinating Committee and CMHA of Ontario to develop a framework for local police emergency room transition protocols for persons apprehended under the *Mental Health Act*.

On June 3, 2019, the Ministry of the Solicitor General and the Ministry of Health jointly endorsed the release of [Improving Police-Hospital Transitions: A Framework for Ontario](#), as well as the supporting toolkit, *Tools for Developing Police-Hospital Transition Protocols in Ontario*. The purpose of the framework and toolkit is to assist police services and hospitals with developing joint emergency department transition protocols, which are responsive to unique local needs, in order to ensure the seamless transfer of care for persons in a mental health or addictions crisis brought to a hospital by police officers.

I hope you find this information useful and I appreciate your municipality's support during this time of uncertainty.

Sincerely,



Sylvia Jones
Solicitor General
Minister Responsible for Anti-Racism

c: Chief Administrative Officers

Municipal Clerks