

COMMUNICATION 131124

Received From: Pascal Meunier, Director of Protective Services
Addressed To: Committee of the Whole
Date: October 27, 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 which means that the Town's current Yard Maintenance By-law #25-2008 can be repealed;
- Adding numerous conditions regarding vacant buildings;
- Adding a Demolition section;
- Changing the timeline on vacant buildings from two years to one year before demolition can occur;
- Removing areas of duplication;
- Strengthening wording throughout the document; and
- Adding a table of contents once the 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 Standards By-law which will repeal By-law 65-2008; and

THAT Council repeal By-law 25-2008 Yard Maintenance By-law.