

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

BY-LAW NO. 2026-10

BEING A BY-LAW TO ESTABLISH PROPERTY STANDARDS IN THE MUNICIPALITY OF EAST FERRIS

WHEREAS the Municipality of East Ferris prescribes standards for the maintenance and occupancy of property within the Municipality of East Ferris, and prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property not in conformance with the standards prescribed herein to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures and left in a graded and levelled condition;

AND WHEREAS Section 9.12 of the Official Plan for the Municipality of East Ferris includes provisions relating to the Property Standards By-Law to conserve, sustain and protect the existing and future building stock and properties in the Municipality;

AND WHEREAS Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, provides that the Council of a municipality may pass a by-law prescribing the standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards, and requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS Section 15.6(1) of the *Building Code Act*, S.O. 1992, c. 23 requires that a By-Law be passed under Section 15.1 of the *Building Code Act* to provide for the establishment of a Property Standards Committee;

AND WHEREAS Sections 15.2 and 15.8 of the *Building Code Act*, S.O. 1992, c. 23 provide inspection and enforcement authorities for a by-law made under Section 15.1 of the Act;

AND WHEREAS Section 15.4(1) of the *Building Code Act* provides if an Order of an Officer under Section 15.2(2) is not complied with in accordance with the Order, as deemed confirmed or as confirmed or modified by the Committee or a judge, the municipality may cause the property to be repaired or demolished accordingly;

AND WHEREAS Section 436 of the *Municipal Act*, 2001, c. 25 permits a municipality 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 compliance with by-law direction, Order or license;

AND WHEREAS Section 445 of the *Municipal Act*, 2001, c. 25 provides that if 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 391(1) of the *Municipal Act*, 2001, c. 25 provides that a municipality may impose fees or charges on persons:

- a) For services and activities provided or done by or on behalf of it; and
- b) For costs payable by it for service or activities provided or done by or on behalf of any other municipality or any local board;

NOW THEREFORE, the Council for the Corporation of the Municipality of East Ferris enacts as follows:

1.0 Definitions

- 1.1 For the purpose of this By-Law:

Accessory Building or **Structure** shall mean a building or structure, which is normally incidental or subordinate and located on the same lot as the primary use.

Building Code means Ontario Regulation 163/24 made under Section 34 of the Building

Code Act.

Chief Building Official (CBO) means a Chief Building Official appointed by Council under Section 3 of the Building Code Act, or their designate.

Chief of the Fire Department means Chief of the Municipality of East Ferris Fire Department.

Debris or **Litter** or **Rubbish** or **Waste** means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles, trailers or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or rock fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and unmaintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard. Shall mean any material whatsoever capable of holding water, and without limiting the generality of the foregoing, includes, but is not limited to, tires, motor vehicles, boats, bird baths, wheelbarrows, containers of any kind and garden fixtures.

Demolish means to do anything in the removal of a building or any material part thereof and 'demolition' has a corresponding meaning.

Dismantled Vehicle means a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function, and includes a motor vehicle that is not licenced for the current year.

Dwelling means a building or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose, except in a state of disrepair.

Dwelling Unit means one room or a suite of rooms. Operated as a single housekeeping unit in a building, used or intended to be used as a residence by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities.

Fire Code means Ontario Regulation 213/07 made under the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*

Inoperable Vehicle means a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function, and may include any vehicle that does not display a vehicle permit number plate with evidence of current validation of the permit affixed to it, issued under the *Highway Traffic Act*, or as issued by another provincial government.

Land includes any part of a yard or lot within the Municipality of East Ferris.

Last Known Address includes but is not limited to the address provided to the Municipality of East Ferris for the payment of property taxes for the property or the address for service on the title document for the property.

Municipality shall mean the Corporation of the Municipality of East Ferris.

Non-Residential Property includes property not occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all commercial, industrial, out-buildings, fences or erections thereon and therein.

Nuisance Outdoor Illumination includes anything that is injurious to health, offensive to the senses, or an obstruction to the free use of the property, so as to interfere with the comfortable enjoyment of life or property.

Occupant means any person over the age of eighteen years of age in possession of the property.

Officer shall mean a Property Standards Officer appointed by the Municipality of East Ferris to administer and enforce this By-Law.

Order means an Order made by an Officer under this By-Law, pursuant to Section 15.2(2) of the *Building Code Act, 1992.*

Owner includes:

- a) The registered owner of a property;
- b) The Person for the time being managing or receiving the rent of a property, whether on the Person's own account or as agent or trustee of any other Person, or who would receive the rent; and
- c) A Lessee or Occupant of a property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property as set out in this By-Law.

Parking means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.

Person means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the Condominium Act, organization, trustee or agent, and the heirs, executors or other legal representatives of a Person to whom the context can apply according to law.

Property means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes Residential Property, Non-Residential Property, and Vacant property.

Residential Property includes property which is occupied or capable of being occupied in whole or in part for the purpose of human habitation.

Repair includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property conforms to the standards established in this By-Law.

Sewage System means the private sanitary sewage disposal system approved by the Ministry of the Environment, Conservation and Parks, North Bay-Mattawa Conservation Authority or other agency having jurisdiction.

Standards means the standards of physical condition and use for occupancy set out in this By-Law.

Vacant Land includes property on which there are no structures of any kind.

Vehicle means a motor vehicle, trailer, boat, motorcycle, all terrain vehicle, motorized snow vehicle and mechanical equipment, whether operable or not.

Yard includes the land other than publicly owned land around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used in connection with the said building.

2.0 Administration

- 2.1 That By-Law #1486 is hereby repealed.
- 2.2 That the Municipality of East Ferris may appoint Officers and such other staff to carry out the administration and enforcement of this By-Law.
- 2.3 That this By-Law may be cited as the 'Property Standards By-Law'.
- 2.4 That this By-Law applies to all properties within the Municipality of East Ferris.

3.0 Scope

- 3.1 No Owner or Occupant of a property shall use, occupy, allow, permit or consent in the use or occupation of the property unless such property conforms to the standards prescribed in this By-Law.
- 3.2 No Person, being the Owner or Occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-Law.

- 3.3 The Owner of any property which does not conform to the standards in this By-Law shall repair and maintain the property to conform to the standards or shall clear the property and leave the property in a graded and levelled condition.
- 3.4 The Owner shall ensure all repairs and maintenance of a property shall be carried out with suitable and sufficient materials in a manner accepted as good workmanship with the trades concerned, including:
 - a) Carried out with materials suitable and sufficient for that purpose and free from defects;
 - b) Where applicable, carried out in a manner consistent with any requirements of the Building Code; and,
 - c) Where applicable, carried out by a qualified and/or licenced person in the trade concerned.
- 3.5 The Owner shall ensure all new construction or repairs shall conform to the *Ontario Building Code*, *Ontario Fire Code*, and the *Fire Prevention and Protection Act*, where applicable.
- 3.6 No Owner or Occupant shall fail to comply with an Order issued under this By-Law.

4.0 Standards for All Properties

4.1 Maintenance of fences, swimming pools, accessory buildings and signs

All fences shall be constructed in accordance with the Municipality of East Ferris 'Property Fence By-Law' and shall also be:

- a) Reasonably uniform in height and appearance;
- b) Maintained in a state of good repair;
- c) Protected from deterioration by the application of paint or equivalent weather-resistant material; and,
- d) Constructed using suitable materials.

All swimming pools, wading pools, and hot tubs shall be:

- a) Maintained in a state of good repair;
- b) Kept free of water that has an unpleasant smell; and
- c) Kept in a state to prevent breeding of mosquitos.

All derelict or otherwise unused swimming pools, wading pools or hot tubs shall be drained and removed and the property left in a graded and levelled condition.

All accessory buildings shall be constructed under the authority of any applicable Building Permit and in accordance with the Municipality of East Ferris Zoning By-Law and shall also be:

- a) Maintained in a state of good repair;
- b) Protected from deterioration by the application of paint or equivalent weather-resistant material; and
- c) Constructed using suitable materials.

All signs shall be constructed in accordance with the Municipality of East Ferris Sign By-Law and shall also be:

- a) Maintained in a state of good repair, free from rips and tearing;
- b) Protected from deterioration by construction with weather-resistant material; and,
- c) Constructed using suitable materials.

4.2 Maintenance of yards, lands and parking areas

Every yard and lands of a property, including vacant properties, shall conform with the 'Clean Yards By-Law' and be maintained and kept clean and free from:

- a) Rubbish, waste, litter or other debris and from objects or conditions that create

- or might create health, fire or accident hazard;
- b) Inoperable, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property and in compliance with zoning regulations;
- c) Dilapidated, collapsed or partially constructed structures which are not currently under construction;
- d) Long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
- e) Dead, decayed or damaged trees or other natural growth; and
- f) Injurious insects, termites, rodents, vermin or other pests.

Every property where refuse (including debris, litter, rubbish or waste) or recyclable material is present shall have suitable receptacles to contain all refuse or recyclables that may accumulate on the property. Such receptacles shall be watertight, have a tight-fitting cover, be rodent proof and be maintained in a clean and odour free condition at all times.

All parking areas used for vehicular traffic shall have a surface covering of asphalt, concrete, compacted stone, gravel or dirt that is sufficient to provide access for emergency vehicles. If a more restrictive regulation is present in a zoning by-law or site plan control agreement, the more restrictive regulation shall take precedent.

All steps, walkways, driveways and parking spaces shall be maintained to allow for safe passage under normal use and weather conditions.

4.3 Lighting

Where outdoor lighting is installed, fixtures shall be arranged so that any fixture is at a maximum height off the ground that is no higher than the maximum permitted height of a building in the corresponding zone. All fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads, or streets.

Any lighting fixtures installed shall include a barrier or deflector to prevent lighting from shining directly into or on an adjacent dwelling unit or causing nuisance outdoor illumination as determined by the Property Standards Officer.

4.4 Drainage

Lot drainage shall be contained within the limits of the property from which it originates until absorbed by the soil or drained to an approved swale or ditch. Where a drainage swale or ditch exists, the feature shall be kept clean and clear of debris to avoid blockages in flow.

Storm and melt water are to be drained to prevent ponding of water or the entrance of water into a building. Any sump pump or roof drain shall not be directed to discharge onto neighbouring properties.

4.5 Maintenance of Wells and Septic

All private wells shall be kept sealed to prevent the entrance of contaminants, debris or wildlife/rodents from entering. Areas surrounding wells shall be kept clean and free from hazardous materials.

All sanitary sewage shall be discharged into an approved sanitary sewage system (septic system). Sewage of any kind is not to be discharged onto the surface of the ground or in any waterbody.

4.6 Pest Prevention

Every property shall be kept free from rodents, vermin and other pests at all times. The methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act, R.S.O. 1990, c. P.11*.

Openings, including doors, windows and vents, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed to prevent entry.

5.0 Additional Standards for Residential Properties

5.1 General Conditions

- a) In addition to Section 4, Standards for all Properties, as set out in this By-Law, the Owner of Residential properties shall also comply with the Standards for Residential Properties in this section.
- b) Every Owner or Occupant of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition.
- c) Every Occupant of a Dwelling Unit, or in that part of a Dwelling Unit that they occupy or control shall:
 - i. Keep all exits unobstructed; and
 - ii. Co-operate with the landlord in complying with the requirements of this By-Law.

5.2 Foundation

- a) Foundations shall be maintained in good repair, free from broken masonry units, damaged, defective or deteriorated materials;
- b) The protective material on all foundation walls, including paint or sealant, shall be maintained in good repair to prevent deterioration that affects the appearance or integrity of the building;
- c) Any basement, cellar, or crawlspace in a Dwelling or other building shall be protected, where necessary, by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and water proofing of the walls and floor to maintain the structure in good repair;
- d) Any basement, cellar, or crawlspace in a Dwelling or other building shall be properly drained, waterproofed and ventilated to the outside air.

5.3 Structural Soundness

- a) Every part of a property shall be maintained in good repair and in a structurally sound condition so as to:
 - i. Be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - ii. Be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - iii. Prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and,
 - iv. Be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

5.4 Exterior Walls and Surfaces

- a) Exterior walls shall be maintained in good repair, free from broken masonry units, defective or deteriorated wood, broken or loose stucco, or defective or deteriorating siding or trim;
- b) The protective and decorative materials on all exterior walls, including paint, shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building;
- c) 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.

5.5 Roofs

- a) Roofs shall be maintained in a structurally sound condition that is watertight, free from loose or unsecured objects and free from hazards, including dangerous accumulations of snow and/or ice.
- b) Eaves troughs, leaders, roof drains and downspouts shall be maintained in good repair, free from obstructions and properly secured to the building;
- c) Soffit and fascia components shall be secured and maintained in good repair and properly painted or otherwise treated;
- d) Every chimney, smoke pipe, flue and gas vent, and other similar structures shall be clear of obstructions, free from open joints, free from loose or broken masonry units and in good repair;
- e) Roofs shall be maintained by removing any loose, unsecured or rusted objects or materials, including accumulated snow and ice.

5.6 Doors and Windows

- a) All exterior openings of a dwelling shall be fitted with doors, windows or vents;
- b) Doors and windows, including their frames, glass panels, handles, locking mechanisms, and other hardware shall be kept in good repair;
- c) Doors and windows shall be properly fitted in their frames;
- d) Doors and windows shall be kept free from broken glass or screens;
- e) All caulking around the interior and exterior of a window shall be maintained in good condition;
- f) All doors, windows and vents shall be maintained by painting trim, replacing damaged doors, frames and other components, window frames, screens and hardware.

5.7 Stairs, Handrails, Guards, Porches, Balconies and Decks

- a) All stairs, handrails, guards, porches, balconies, and decks shall be constructed in accordance with the *Ontario Building Code*;
- b) All stairs, ramps, porches and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof, shall be maintained in good repair free from defects and accident hazards and capable of supporting all loads to which they might be subjected;
- c) Maintenance of stairs, ramps, porches and landings shall include the repairing or replacing of treads, risers and supporting structural members that are broken, warped, loose, rotted or otherwise defective;
- d) All porches, balconies and decks shall be maintained in good repair and free from unsafe conditions;
- e) All porches, balconies and decks shall be kept free from the accumulation of rubbish, debris and other materials; and
- f) All accessory attachments to porches, balconies and decks, including screens and awnings, shall be maintained in good working condition.

5.8 Heating Systems, Ventilation and Air Conditioning

- a) All heating, ventilation, air conditioning, and mechanical systems of a building shall be provided, maintained and operated free from safety hazards and kept in good repair;
- b) All heating, ventilation and mechanical systems, where required, shall be vented into a chimney or flue providing sufficient and adequate outlet for escape of all noxious gases, to prevent any health, fire, or accident hazard;
- c) Residential dwellings shall not be equipped with portable heating equipment as the primary source of heat;
- d) Every chimney, vent or flue on a building shall be maintained and kept free from obstruction, all open joints shall be sealed, all broken or loose masonry shall be repaired, and all vents shall be maintained to prevent gases from leaking into a building;
- e) All heating and ventilation services shall be installed and maintained in compliance with all applicable standards, certificates and permits.

5.9 Smoke Alarms and Carbon Monoxide Detectors

- a) All residential properties must conform with the *Ontario Fire Code*.
- b) All residential properties must conform to the *Ontario Building Code* based on the year the building was constructed and/or renovated.
- c) Smoke detectors are required on every storey and outside all bedroom areas.
- d) Carbon monoxide detectors are required if the building contains a fuel burning appliance, a fireplace, an attached garage, and when the building is served by a forced-air fuel burning appliance not contained within the building.

6.0 Additional Standards for Non-Residential Properties

- 6.1 In addition to Section 4, Standards for all Properties, as set out in this By-Law, the Owner of Non-Residential properties shall also comply with the Standards for Non-Residential Properties in this section.
- 6.2 All Non-Residential Properties shall be maintained to the following standards:
 - a) In a clean, sanitary, and safe condition;

- b) 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 and refuse; and
- c) Free from rodents, vermin, pests and injurious insects.

6.3 Storage Areas on Non-Residential Properties shall be maintained in the following condition:

- a) Where outside storage of goods, materials, machinery or equipment and vehicles is permitted on a Non-Residential property, the storage areas shall be graded and maintained with gravel, or surfaced and maintained with concrete, asphalt, crushed stone or other hard surface and dustless material;
- b) Any goods, materials, machinery or equipment and vehicles permitted on a Non-Residential property must be stored in a neat, organized and safe manner and in compliance with the Municipality of East Ferris Zoning By-Law.

6.4 Structural Soundness of all Buildings and Structures on a Non-Residential property shall:

- a) Be maintained in good repair and in a condition capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
- b) Be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- c) Prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
- d) Be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

All exterior walls, doors, windows and roofs shall be maintained in good repair, free from broken masonry units, defective or deteriorating wood or trim, broken glass and be watertight and protected from damage or deterioration from weather.

6.5 Roofs

- a) Roofs shall be maintained in a structurally sound condition that is watertight, free from loose or unsecured objects, and free from hazards, including dangerous accumulations of snow and/or ice.
- b) Eavestroughs, leaders, roof drains and downspouts shall be maintained in good repair, free from obstructions and properly secured to the building;
- c) Soffit and fascia components shall be secured and maintained in good repair and properly painted or otherwise treated;
- d) Every chimney, smoke pipe, flue and gas vent, and other similar structures shall be clear of obstructions, free from open joints, free from loose or broken masonry units and in good repair;
- e) Roofs shall be maintained by removing any loose, unsecured or rusted objects or materials, including accumulated snow and ice.

6.6 Doors and Windows

- a) All exterior openings of a building shall be fitted with doors, window or vents;
- b) Doors and windows, including their frames, glass panels, handles, locking mechanisms, and other hardware shall be kept in good repair;
- c) Doors and windows shall be properly fitted in their frames;
- d) Doors and windows shall be kept free from broken glass or screens;
- e) All caulking around the interior and exterior of a window shall be maintained in good condition;
- f) All doors, windows and vents shall be maintained by painting trim, replacing damaged doors, frames and other components, window frames, screens and hardware.

6.7 Stairs, Handrails, Guards, Porches, Balconies, and Decks shall be maintained in the following condition:

- a) All stairs, handrails, guards, porches, balconies, and decks shall be constructed in accordance with the *Ontario Building Code*;
- b) All stairs, ramps and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof, shall be maintained in good repair free from defects and accident hazards and capable of supporting all loads to which they might be subjected;

- c) Maintenance of stairs, ramps, porches and landings shall include the repairing or replacing of treads, risers and supporting structural members that are broken, warped, loose, rotted or otherwise defective;
- d) All porches, balconies and decks shall be maintained in good repair and free from unsafe conditions;
- e) All porches, balconies and decks shall be kept free from the accumulation of rubbish, debris and other materials; and
- f) All accessory attachments to porches, balconies and decks, including screens and awnings, shall be maintained in good working condition.

6.8 Heating and Ventilation Systems shall be maintained in the following condition:

- a) All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions dangerous to their health or safety;
- b) Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation; and
- c) Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

6.9 Smoke Alarms and Carbon Monoxide Detectors

- d) All non-residential properties must conform with the *Ontario Fire Code*.
- e) All buildings must conform to the *Ontario Building Code* based on the year the building was constructed and/or renovated.
- f) Smoke detectors are required on every storey and outside any bedroom/sleeping area that may be contained within the building.
- g) Carbon monoxide detectors are required if the building contains a fuel burning appliance, a fireplace, an attached garage, and when the building is served by a forced-air fuel burning appliance not contained within the building.

7.0 Standards for Vacant Lands, Vacant Buildings and Damaged Buildings

7.1 Vacant lands shall be maintained to the standards as described in Section 4.0, Standards for All Properties, of this By-Law.

7.2 Where any property is vacant, unoccupied, or has been damaged by accident, storm, neglect or other causes, the owner or agent shall protect such building against risk of danger, such as fire, accident or other hazard, and shall effectively prevent the entrance thereto of all unauthorized persons.

7.3 Vacant buildings shall be kept cleared of all garbage, rubbish, refuse and debris.

7.4 Where 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, an Officer may Order the property Owner to board the building or structure as a security repair to prevent the entrance of the elements, unauthorized persons or the infestation of pests.

All boards used in the 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.

7.5 All material used for boarding up unoccupied, vacant or damaged buildings shall be covered or lined with material that can resist weathering, be fitted to the size of the opening and securely fastened.

7.6 Where a building remains vacant for a period of more than ninety (90) days, the Owner or their agent shall ensure that all utilities and services serving the building or structure are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.

7.7 Subsection 7.6 does not apply where such utilities or services are necessary for the safety or security of the building.

- 7.8 In the event of fire or any other damages, any damaged building or partially damaged material shall be removed from the property, except that such material which must be stored within a barricaded fire damaged building until investigations are completed by other authorities.
- 7.9 Damaged buildings shall be repaired or demolished. Any repairs or demolition shall be in compliance with the *Ontario Building Code*.
- 7.10 Where a building or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber or other materials and left in a graded and levelled condition.
- 7.11 Where a building or structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, and any other means necessary to prevent access to the property.
- 7.12 No person shall commence, conduct or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof unless a permit is obtained from the Municipality of East Ferris.

8.0 Administration and Enforcement

- 8.1 Officer(s) responsible for the administration and enforcement of this By-Law shall be appointed by the Council for the Municipality of East Ferris.
- 8.2 Officer(s) acting under this By-Law may, at any reasonable time and upon producing proper identification, enter upon a property for an inspection without a warrant to inspect the property to determine:
- a) Whether the property conforms with the standards prescribed in this By-Law; or
 - b) Whether a Property Standards Order has been complied with.
- 8.3 Officer(s) shall not enter or remain in 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*.
- 8.4 For the purposes of an inspection under Section 8.2, an Officer may:
- a) Require documents, including drawings or specifications, that may be relevant to the property;
 - b) Inspect and remove documents or things relevant to the property for the purpose of making copies or extracts;
 - c) Require information from any person concerning a matter related to the property;
 - d) Be accompanied by a person who has special or expert knowledge in relation to the property;
 - e) 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
 - f) Order the Owner of the property to take and supply, at the Owner's expense, such tests and samples as are specified in the Order.
- 8.5 After an initial inspection, if the Officer identifies that the property does not conform to the standards prescribed in the By-Law, they, in addition to verbally directing the owner to bring the property into compliance, shall also serve or cause to be served by personal service upon or sent by pre-paid registered mail, to the last known address of the Owner of the property, according to the current assessment roll, and all who have interest therein, a Notice of Non-Compliance containing particulars of the non-conformity. A Notice will be deemed to have been served on the seventh (7) day after mailing.
- 8.6 A Notice of Non-Compliance shall state that the property does not comply with the standards prescribed in the By-Law and specify the standards with which the property does not comply. The Notice shall further state a date on which the property will be subject to a re-inspection, at which time the Officer may issue an Order under Section 8.8 of this By-Law.

- 8.7 The Notice shall state that the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the By-Law.
- 8.8 An Officer who finds that a property does not conform with any of the standards prescribed in the By-Law may make an Order:
- a) Stating the municipal address and/or legal description of the property;
 - b) Giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - c) Indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the Owner's expense; and,
 - d) Indicating the final date for giving notice of appeal from the Order.
- 8.9 An Order shall be served to the Owner of the property and such other persons affected by it, as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.
- 8.10 A written Order to the Owner or Occupant of a property may be served personally upon the Owner or Occupant of the property or sent by registered mail to the last known address of the Owner or Occupant according to the current assessment roll. If sent by registered mail, the Notice shall be deemed to have been served on the seventh (7) day after mailing.
- 8.11 Should an Officer deem a matter of non-compliance poses an immediate risk to public health or safety, the Notice and Order provisions contained in this By-Law may be waived and an emergency Order shall be delivered and/or posted on the property requiring immediate action or other remediation. The Owner or Occupant shall comply with an emergency Order within the period of time specified on the Order.
- 8.12 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 day on which the Order was served under Section 8.9 of this By-Law and, when the requirements of the Order have been satisfied, the Municipal Clerk shall forthwith register in the land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.
- 8.13 If an Order is not complied with as deemed confirmed or as confirmed or modified by the Committee or a judge, the Municipality of East Ferris may cause the property to be repaired, cleaned, cleared up or demolished as the case may be.
- 8.14 For the purpose of Section 8.13 of this By-Law, employees or agents of the Municipality of East Ferris may enter a property at any reasonable time, without warrant, in order to repair, clean, clear up or demolish the property.
- 8.15 For the purpose of Section 8.14 of this By-Law, the Municipality of East Ferris or a person or agent acting on its behalf 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 powers.
- 8.16 An Owner or Occupant who has been served with an Order made under Section 15.2(2) of the *Building Code Act* may appeal the Order to the Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the Order. All appeals shall be accompanied by a non-refundable payment of \$150.
- 8.17 An Order that is not appealed within the time provided by Section 8.16 of this By-Law shall be deemed to be confirmed.
- 8.18 On an appeal, the Committee has all the powers and functions of the Officer who made the Order and the Committee may do any of the things if, in the Committee's opinion, doing so would maintain the general intent and purpose of this By-Law and the Official Plan or Planning Statement:

- a) Confirm, modify or rescind the Order to demolish or repair, or
- b) Extend the time for complying with the Order.

8.19 The Municipality of East Ferris or any Owner or Occupant or person affected by a decision under Section 8.18 may appeal to the Superior Court of Justice by notifying the Municipal Clerk in writing and by applying to the court within fourteen (14) days after a copy of the decision is sent, and the provision of sections 15.3(5) through (7) of the *Building Code Act* shall apply thereto.

8.20 An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-Law may issue a Notice of Compliance to the Owner.

9.0 Property Standards Committee

- 9.1 There shall be a Property Standards Committee consisting of no fewer than three (3) members, appointed by By-Law of the Council of the Municipality of East Ferris, to hold office for a term established by Council.
- 9.2 The Council of the Municipality of East Ferris will fill any vacancy that occurs in the membership of the Committee as soon as possible.
- 9.3 The members shall elect a Chair from amongst themselves, and when the Chair is absent, the Committee may appoint another member as Acting Chair.
- 9.4 A majority of the members constitutes a quorum for transacting the Committee business.
- 9.5 The members shall provide for a Secretary for the Committee. The Secretary shall keep on file, records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and Section 253 of the *Municipal Act* applies with necessary modifications to the minutes and records.
- 9.6 The Committee shall give notice or direct that notice be given of the hearing of an appeal to such person as the Committee sees advisable.

10.0 Severability

10.1 In the event any section, clause or provision of this By-Law is found by a court of competent jurisdiction to be void, voidable, unenforceable, or *ultra vires*, such provision or part thereof shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-Law shall remain in full force and effect.

11.0 Penalty

- 11.1 No Owner or Occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the Owner or Occupant fail to demolish or repair the property in accordance with an Order, as confirmed or modified, the municipality in addition to other remedies may:
 - a) If an Order, as confirmed or modified, is not complied with, the Municipality may cause the property to be repaired or demolished accordingly,
 - b) Without further notice to the Owner or persons affected, employees or agents of the Municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property,
 - c) A municipal corporation or a person acting on its behalf 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 powers under the provisions of this By-Law, and
 - d) May cause a prosecution to be brought against any person who is in breach of such an Order, and upon conviction, such person shall forfeit and pay, at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the *Building Code Act, 1992, S.O. 1992, c. 23*.

11.2 Where the Municipality of East Ferris does work or causes work to be done to correct contraventions of the By-Law, the Owner will be charged 100% of the costs incurred for completing the work. If the Owner fails to pay the cost of work completed under this By-Law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

12.0 Date of Effect

12.1 This By-Law shall come into effect on the date that it receives third reading by the Council for the Corporation of the Municipality of East Ferris.

13.0 Repeal and Replace

13.1 That By-Law #1486 be repealed in its entirety and replaced with this By-Law.

READ A FIRST AND SECOND TIME this 10th day of February, 2026.

Mayor
Richard Champagne

Clerk
Kim Rose