

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2009-108

BEING A BY-LAW PRESCRIBING STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY AND TO REPEAL  
BY-LAWS 11258, 3872 AND 2314 AS AMENDED

WHEREAS Section 15.1, subsection (3) of The Building Code Act, Statutes of Ontario, 1992, Chapter 23, as amended, provides authority for the enactment of a By-law prescribing standards for the maintenance and occupancy of property, if an Official Plan that contains provisions relating to property conditions is in effect in a municipality;

AND WHEREAS there is such an Official Plan in effect in the City of Welland;

AND WHEREAS Section 15.4 of the Building Code Act. Statutes of Ontario, 1992, Chapter 23, as amended, provides that a municipality may cause the property to be repaired or demolished, and the municipality shall have a priority lien on the land for the amount spent on the repair or demolition as described in Section 1 of the Municipal Act, 2001;

AND WHEREAS the Council of The Corporation of the City of Welland deems it necessary to pass a By-law for prescribing standards for the maintenance and occupancy of property within the City of Welland and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1                    SHORT TITLE

1.1.                        This by-law may be cited as “The Property Standards By-law”.

SECTION 2                    SCOPE

- 2.1.                        The provisions of this by-law shall be applicable on all lands and properties within the limits of the Corporation of the City of Welland.
- 2.2.                        Properties, buildings and structures shall be maintained within the City of Welland in conformity with the provisions of this By-law.
- 2.3.                        The owner shall ensure that the maintenance and occupancy standards in this By-law are complied with.
- 2.4.                        Nothing in this By-law shall be deemed to require repairs to an existing building system or component to a standard which is in excess of that required by the Building Code or the Electric Safety Code for new construction or renovation.
- 2.5.                        Nothing in this By-law shall be deemed to require repairs to an existing building or property to a standard which is in excess of that required by the appropriate authority having jurisdiction.
- 2.6.                        Nothing in this By-law shall be deemed to require repairs to an existing building or property which is licensed or regulated with respect to its maintenance or occupancy by an Act or Regulation of the Province of Ontario.

- 2.7. Any action taken, or Order issued with respect to this By-law does not limit, or otherwise affect enforcement proceedings undertaken pursuant to the Fire Code, the City Zoning By-law, or any other Act, Regulation or City By-law.
- 2.8. Standards prescribed in this By-law are intended to provide for the reasonable maintenance and occupancy of existing buildings and property, taking into consideration the overall condition of the existing and neighbouring buildings and properties. The standards prescribed, therefore, are not intended to reflect standards set for new construction, except where not to do so would be considered unsafe.
- 2.9. By-law Exemptions
- 2.9.1. This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara, the City of Welland, or any public utility or local board as described in Section 5.16 (b) of Zoning By-law 2667 of the City of Welland, however it does apply to land, buildings and undertakings not managed directly by such governments and agencies.
- 2.9.2. This by-law does not apply so as to prevent a farm, defined as an “agricultural operation” under the Farming and Food Production Protection Act, from carrying on a normal farm practice as defined in that Act.

### **SECTION 3            DEFINITIONS**

In this by-law,

- 3.1. Definitions in the Zoning By-laws of the City shall be used with respect to matters pertaining to use and which are undefined in this By-law.
- 3.2. Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.
- 3.3. Definitions in the Fire Protection and Prevention Act and the Fire Code shall be used with respect to fire safety matters and which are undefined in this By-law.
- 3.4. Definitions in the Electricity Act, and the Electrical Safety Code, shall be used with respect to electrical matters and which are undefined in this By-law.
- 3.5. Measurement values are defined as follows:
- “m” means metres
  - “mm” means millimeters
  - “m<sup>2</sup>” means square metres
  - “m<sup>3</sup>” means cubic metres
  - “ft” means feet
  - “in” means inches
  - “ft<sup>2</sup>” means square feet
  - “ft<sup>3</sup>” means cubic feet
  - “0° C” means degrees Celsius
  - “0° F” means degrees Fahrenheit

- 3.6. "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 3.7. "Act" means the Building Code Act, S.O. 1992 as amended or as revised.
- 3.8. "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 3.9. "Appliances" include refrigerators, stoves, clothes washers, clothes dryers, dishwashers and hot water tanks.
- 3.10. "Applicable law" means any general or special act, and all regulations and by-laws enacted thereunder, which prohibit the proposed erection, use or undertaking, unless the act, regulation or by-law is complied with.
- 3.11. "Approved" means acceptance by the Officer who may require the Owner to provide information from any person prior to determining acceptance, and approval has a corresponding meaning.
- 3.12. "Bathroom" means an area containing a toilet, a washbasin and a bathtub/shower.
- 3.13. "Basement" means that space of a building that is partly below exterior grade.
- 3.14. "City" means the Corporation of the City of Welland.
- 3.15. "Committee" means a Property Standards Committee established under this By-law.
- 3.16. "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 3.17. "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, in which no occupant has exclusive possession of any part of the unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 3.18. "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 m (6 ft) above grade.
- 3.19. "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 3.20. "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 3.21. "Inoperative Motor Vehicle" means a vehicle, other than a vehicle that displays a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act, and which is driven on a regular basis, but does not include:
- (a) one (1) unplated vehicle per premises, owned by the Owner or Occupant as applicable, provided the vehicle is:
    - (i) a "hobby repair vehicle" where hobby repair is being actively carried on; or
    - (ii) a "classic automobile", being an automobile originally manufactured prior to 1950, provided it is maintained; or

- (iii) a vehicle used seasonally and plated annually for a period of time less than a full year;
  - (b) a vehicle in a salvage yard and the like where an unplated vehicle is an integral component of a legally operating business.
- 3.22. "Maintain" means the work of keeping something in proper working order so that it performs its intended function.
- 3.23. "Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 3.24. "Multiple Dwelling" means a building containing 3 or more dwelling units or residential units.
- 3.25. "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and a basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 3.26. "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 3.27. "Non-Residential Unit" means a suite or tenancy of non-residential occupancy.
- 3.28. "Occupancy" means the use or intended use of property for any purpose, and includes the use or permitted use of property by an Owner, Tenant or any other person.
- 3.29. "Occupant" means any person or persons over the age of eighteen years in possession of the property.
- 3.30. "Officer" means a Property Standards Officer or City employee who has been assigned the responsibility of enforcing this by-law.
- 3.31. "Owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 3.32. "Order" means a Property Standards Order issued by an Officer, pursuant to the Building Code Act.
- 3.33. "Person" means an individual, firm, corporation, association or partnership.
- 3.34. "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

- 3.35. "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in this By-law.
- 3.36. "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 lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 3.37. "Residential Unit" means a unit used for residential purposes other than a dwelling unit and includes a room in a boarding or lodging house.
- 3.38. "Service Room" means a room in a non-residential building or in a multiple dwelling, and containing equipment associated with building services and a fuel burning appliance.
- 3.39. "Sewage System" means a sanitary drainage system, or a private sewage disposal system or a sewage system as described in Part 8 of the Building Code.
- 3.40. "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 3.41. "Toilet Room" means a room containing a minimum of one water closet and a minimum with one wash basin.
- 3.42. "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property, and includes the space within or upon unenclosed buildings and structures.

#### **SECTION 4**

#### **GENERAL PROVISIONS**

- 4.1. All properties in the City shall conform with the standards for maintenance and occupancy set out in this By-law.
- 4.2. The occupancy or use of property that does not conform with the standards set out in this By-law is prohibited.
- 4.3. A property that does not conform with the standards set out in this By-law shall be repaired and maintained to conform with the standards, or the site cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition.
- 4.4. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Building Code, Fire Code and the Fire Prevention and Protection Act where applicable.
- 4.5. If a property is comprised of two or more of Sections 7, 8 or 9, each Section shall apply to the part of the property which is vacant, residential, or non-residential as the case may be.
- 4.6. All building systems shall be provided, operated and maintained in accordance with their original design intent, and shall not be removed without approval.

## **SECTION 5**

### **FEES/CHARGES**

#### **5.1. Discharge of Order**

5.1.1. The owner must pay the fee “Discharge Order From Title” specified in the City Fees and Charges By-law prior to the City discharging a Property Standards Order from the Land Registry Office.

5.2. Appeal of Property Standards Order 5.2.1. Every owner wishing to appeal an Order of an Officer, as described in Section 11, must, in addition to satisfying any other requirements in this by-law, pay the fee “Appeal Fee for Property Standards Appeal Hearing” specified in the City Fees and Charges By-law before a Notice of Appeal is considered.

#### **5.3. Work By City Administration Charge**

5.3.1. Where the City performs work, as described in Section 13, upon failure of an owner to comply with an Order, the City will recover its cost to perform the work done by the City or its contractor plus an Administration Charge “Enforcement Admin Fee (City Performs Remedial Work Where Person Is In Default)” specified in the City Fees and Charges By-law.

#### **5.4. Release of Information**

5.4.1. Prior to release of file information established in an enforcement process pursuant to this By-law, as described in Section 12, the Applicant for information shall pay the fee “Request for Written Limited Information Letter” specified in the City Fees and Charges By-law.

## **SECTION 6**

### **REGULATIONS FOR ALL PROPERTIES**

#### **6.1. Yards**

6.1.1. Every yard, including vacant lots shall be kept clean and free from:

- (a) dead, decayed or damaged trees or other natural growth;
- (b) unsafe trees, trees in danger of falling;
- (c) excess piles of soil, dirt or granular material not proposed to be used within a reasonable length of time;
- (d) refuse, as defined in the Clean Yards By-law; (By-law 2015-104)
- (e) inoperative motor vehicles;
- (f) unused and broken vehicles;
- (g) any condition that may create a health or accident hazard;
- (h) long grass and weeds over 6 inches in height, brush and noxious weeds as defined in the Weed Control Act; (By-law 2015-104)
- (i) dilapidated, collapsed, or partially constructed buildings/structures which are currently not under construction;
- (j) injurious insects, termites, rodents, vermin or other pests; and
- (k) refrigerators, freezers, appliances, and other containers that could trap a child.

#### **6.2. Surface Conditions**

6.2.1. Surface conditions of yards shall be maintained so as to:

- (a) prevent instability or erosion of soil;

- (b) prevent surface water run-off from entering basements;
- (c) provide for safe passage under normal use and weather conditions, day or night; and
- (d) be kept free of deep ruts and holes.

### 6.3. Sewage And Drainage

- 6.3.1. Sanitary sewage shall be discharged into the sewage system.
- 6.3.2. Sanitary sewage of any kind shall not be discharged, directly or indirectly, onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 6.3.3. Roof drainage, foundation drains, sump pump discharge pipes and subsurface or above ground pipes of any kind shall not be discharged, directly or indirectly, onto sidewalks, walkways, patios, stairs, or adjacent private or public property, or discharged in a manner that adversely affects adjacent private or public property.
- 6.3.4. Where a municipal sanitary sewer is available in the street adjacent to a property which is discharging sanitary sewage otherwise than into such sewer, the Owner shall forthwith connect the plumbing directly to the municipal sanitary sewer (which may require payment of a service fee to the municipality for installation of a new municipal sanitary lateral to the property line). The Owner shall subsequently abandon the previous connections in an approved manner.
- 6.3.5. Rainwater collected with a roof drainage system or otherwise, shall not be discharged, directly or indirectly to a sewage system or a municipal sanitary sewer.
- 6.3.6. Rainwater collected with a roof drainage system or otherwise, shall not be discharged, directly or indirectly to a municipal storm or combined sewer, unless authorized by the City.
- 6.3.7. Surface and subsurface groundwater shall not be discharged or drained, directly or indirectly, to a sanitary sewer or sewage system. The foundation drain/weeping tile of an existing building, already legally connected to a sanitary drainage system in an approved manner, may remain connected, provided construction or repair of the building is not undertaken in a manner that would facilitate disconnection.
- 6.3.8. A backwater valve, designed to prevent or limit sewage backflow into a building, if installed, shall be maintained.

### 6.4. Parking Areas, Walks And Driveways

- 6.4.1. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 6.4.2. Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

### 6.5. Accessory Buildings And Other Structures

- 6.5.1. Accessory buildings, fences, retaining walls over 1 m (3.28 ft) in height, and other structures appurtenant to the property shall be maintained in a structurally sound condition and in good repair.
- 6.5.2. Accessory buildings and other structures described in Section 6.5.1. shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

6.6. Garbage Disposal

- 6.6.1. Every multiple dwelling shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 6.6.2. All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.
- 6.6.3. Garbage storage areas shall be screened from public view, in accordance with the Zoning By-law.

6.7. Building Foundation

- 6.7.1. No building foundation shall be left exposed above grade, unless it supports a complete building structural frame.
- 6.7.2. After demolition of a building, or part thereof, or after a building or part thereof is damaged by fire or other means to an extent requiring removal of the building or part thereof, the building foundation shall be removed to a level below 600 mm (24 in) below grade, and the site leveled and graded in accordance with this By-law.
- 6.7.3. Notwithstanding Sections 6.7.1. and 6.7.2.1. a foundation may remain on a property, if the Owner submits a Report to the Officer, concerning:
- (a) what measures will be taken to ensure the exposed foundation is not unsafe,
  - (b) the structural soundness of the foundation, and
  - (c) the timeframe the foundation will remain exposed before a building is erected on it,

and only if the Report is approved by the Officer and the provisions in the Report are complied with.

6.8. Decommissioning of Buildings, Structures, Etc.

- 6.8.1. Buildings not used or occupied shall comply with Section 7, and shall comply with the requirements of every utility connected to the building, and every regulator of such utility.
- 6.8.2. Buildings demolished shall comply with Section 6.7.
- 6.8.3. Building services of demolished buildings, including hydro, gas, water, sanitary sewer and storm sewer shall be disconnected, removed and capped to the satisfaction of the applicable utility provider and regulator.
- 6.8.4. Swimming pools and septic tanks not used shall be pumped out, cleaned, and shall be removed to a level below 600 mm (24 in) below grade and the site leveled and graded in accordance with this By-law. Non-inert portions or materials shall not be left underground and shall be removed from the site.
- 6.8.5. Immediately after removal of a building, structure, swimming pool, septic system, or the like, a property must be kept in a safe condition, with no openings or hazards in a yard, and the property must be graded in such a manner so as to not adversely affect adjacent properties.

6.9. Water and Sewer Services



6.9.1. If a building is provided with municipal water, or drains to a municipal sanitary sewer, the private connection to municipal services shall be separately and independently to the municipal water or sewer main, without encroachment on any other property, unless permitted otherwise by the City.

6.9.2. If the building described in Section 6.9.1 is a semi detached dwelling, townhouse or rowhouse, each vertically divided house shall connect separately and independently to municipal services (or directly to a private water or sewer main, if provided before such services connect to municipal services), unless permitted otherwise by the City.

6.10. Fire Separations

6.10.1. Existing fire separations and gas/fume barriers shall be maintained, and if damaged shall be repaired to provide an equivalent level of safety as prior to damage.

6.11 Fences/ Privacy Screens

6.11.1. No person shall erect or maintain a fence or privacy screen in a ruinous or dilapidated state and which is, in the opinion of the By-law Enforcement Officer, unsafe.

6.11.2. No person shall erect or maintain a fence or privacy screen composed wholly or partially of used vehicle tires, railway ties, plywood, scrap metal or other like material.

6.11.3. Fences and privacy screens shall be maintained in good repair, free of broken components.

6.11.4. Fences and privacy screens shall be maintained free from hazards, including protruding nails, screws and staples.

6.11.5. Fences and privacy screens shall be maintained in a vertical condition, unless specifically designed to be other than vertical.

6.12 Nuisance Lighting

6.12.1 No person shall permit exterior or interior flood lights, spotlights, laser source lights, signal beacons, wall pack lighting or any other similar high intensity luminaire to be directed or deflected towards neighbouring properties so as to disturb the comfort and enjoyment of the inhabitants, or be placed in such a position or manner to distract persons driving vehicles on the public highway.

**SECTION 7 REGULATIONS FOR VACANT BUILDINGS**

7.1. Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

7.2. The owner or agent of a vacant building shall board up the building to the satisfaction of the Officer by covering all openings through which entry may reasonably be obtained with at least 12.7 mm (0.5 in) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls or door/window frames as applicable. Such plywood shall be installed within the reveal of the frame or cladding, where feasible.

7.3. Vacant buildings shall be maintained weathertight including roofs, exterior walls, windows and doors.

7.4. Cracked and broken glazing in exterior walls, windows and doors shall be replaced or boarded up as in Section 7.2.

- 7.5. Exterior building components, including but not limited to stairs, porches, balconies, decks, guards, eavestroughs, chimneys and pest prevention shall be maintained as described in Sections 8 and 9.

## **SECTION 8                    REGULATIONS FOR RESIDENTIAL PROPERTIES**

### **8.1.                    General Conditions**

- 8.1.1. Every tenant, or occupant or lessee 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 and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 8.1.2. Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 8.1.3. Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress is not permitted.

### **8.2.                    Exterior Yard Storage**

- 8.2.1. Exterior storage of items, things, materials and goods is not permitted in a residential zone, unless the following is complied with:
- (a) stored material is not refuse; (By-law 2015-104)
  - (b) location is limited to the rear yard, not visible from the street;
  - (c) maximum storage height of 0.9 m (3 ft);
  - (d) maximum storage height of 1.8 m (6 ft) if screened from view (from ground level) by a wood board fence or equivalent;
  - (e) material shall be stored in a neat and orderly fashion; and
  - (f) material shall occupy an area less than 2% of the lot area.
- 8.2.2. Yard storage/ parking of construction equipment, backhoes, skid steers, excavators, dump trucks, tractors, farm tractors and utility tractors is not permitted in a residential zone. (Resolution 2020-139)
- 8.2.3. Notwithstanding Section 8.2.1., yard storage/parking of vehicles, trailers, boats, snowmobiles, and motorhomes may be permitted in a residential zone, if in compliance with the Zoning By-law and other municipal requirements.
- 8.2.4. Notwithstanding Section 8.2.1. and Section 8.2.2., yard storage of construction equipment, vehicles and materials is permitted with respect to active construction taking place on the property, provided the storage is incidental and necessary to the construction, and is not stored for an unreasonably long period of time.

### **8.3.                    Pest Prevention**

- 8.3.1. Dwellings shall be kept free of rodents, vermin, insects and other pests at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.
- 8.3.2. Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

### **8.4.                    Structural Soundness**

- 8.4.1. Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and

any additional load to which it may be subjected through normal use. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

- 8.4.2. Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

- 8.5. Foundations

- 8.5.1. Foundation walls of a dwelling shall be maintained so as to reasonably prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.

- 8.6. Exterior Walls

- 8.6.1. Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

- 8.6.2. Exterior walls of a dwelling and their components shall be free of painted slogans, graffiti and similar defacements.

- 8.7. Windows And Doors

- 8.7.1. Windows, doors, skylights, and basement hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

- 8.7.2. In a dwelling unit and residential unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit and residential unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit. Such door shall be openable from the inside without requiring keys, special devices or specialized knowledge of the door opening mechanism (i.e. thumb turn deadbolt or equivalent).

- 8.7.3. Solid core doors shall be provided for all entrances to dwellings, dwelling units and residential units.

- 8.7.4. In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

- 8.7.5. Every window in a dwelling unit and residential unit, that is located above the first storey in a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm (4 in) diameter sphere, except this requirement does not apply if the Building Code would not require it if constructed new. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

- 8.7.6. Every bedroom and living room shall have a window (which may be part of a door) to the outside, or a skylight.

- 8.7.7. A window is not required in a living room if there is an opening in a dividing wall to an adjoining room with a window to the outside.
- 8.7.8. Every existing opening in an exterior wall of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function.
- 8.8. Roofs
- 8.8.1. Roofs of dwellings and their components shall be maintained in a reasonably weather tight condition, free from loose or unsecured objects or materials.
- 8.8.2. An existing asphalt shingle roof shall not be covered with more than 1 additional roofing layer of asphalt shingles. If 2 layers of asphalt shingle roofing are used, the structure must be designed to support the 2 roofing layers.
- 8.8.3. The roofs of dwellings and accessory buildings shall be kept clear of excessive accumulations of ice or snow or both.
- 8.8.4. Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.
- 8.9. Walls, Ceilings And Floors
- 8.9.1. Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 8.9.2. Every floor in a dwelling shall be maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects. Floors excessively out of level shall be repaired.
- 8.9.3. Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.
- 8.10. Stairs, Porches And Balconies
- 8.10.1. Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 8.11. Guards and Handrails
- 8.11.1. A guard shall be installed on the open side of any ramp rising more than 400 mm (16 in) or stairway containing 3 or more risers including the landing, or wherever a height difference of 600 mm (24 in) exists between adjacent floor levels or walking surfaces. A guard shall be installed around the open side of all landings, porches and balconies greater than 600 mm (24 in) above ground, floor or adjacent surface.
- 8.11.2. A handrail shall be installed on all ramps rising more than 400 mm and on all stairs with 3 or more risers.
- 8.11.3. All guards, balustrades and handrails shall be constructed and maintained rigid in nature, and shall be maintained in good repair.
- 8.12. Kitchens
- 8.12.1. Every dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) suitable storage area of not less than 0.8 m<sup>3</sup> (28 ft<sup>3</sup>);
- (c) a counter or work area at least 600 mm (2 ft) in width by 1,200 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

#### 8.13. Toilet And Bathroom Facilities

- 8.13.1. Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 8.13.2. Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 8.13.3. Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an adequate supply of hot and cold running water shall be provided, a lockable door shall be provided, and an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.
- 8.13.4. In the case of lodging rooms, passage to toilet rooms and bathrooms shall be provided without passing through another lodging room, and may be from within a lodging room.

#### 8.14. Plumbing

- 8.14.1. Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43° C (110° F).
- 8.14.2. Every dwelling unit shall be provided with an adequate supply of potable running water.
- 8.14.3. All plumbing, including sewers, drains, backwater valves, water supply pipes, water closets and other plumbing fixtures, appliances and appurtenances shall be maintained in good working condition free of leaks and defects and protected from freezing.
- 8.14.4. All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 8.14.5. Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

#### 8.15. Electrical Service

- 8.15.1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 8.15.2. The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire

or electrical shock hazards. All electrical services, wiring and appurtenances within a building shall conform to the regulations established by the Electricity Act, as amended, and the owner may be requested to provide documentation from the Electrical Safety Authority or a licensed electrician as proof of compliance.

- 8.15.3. Extension cords shall not be used on a permanent basis.
- 8.15.4. Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, and non-habitable work or storage room shall be provided with a permanent light fixture.
- 8.15.5. Lighting fixtures and appliances installed throughout a dwelling and a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.
- 8.16. Heating, Heating Systems, Chimneys And Vents
- 8.16.1. Every dwelling and building containing a dwelling unit or residential unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21° C (70° F) in the occupied units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual unit to the required standard.
- 8.16.2. Habitable and non-habitable rooms in every dwelling unit and residential unit shall be maintained at a minimum indoor ambient temperature of 21° C (70° F) while occupied between October 1<sup>st</sup> of one year and May 31<sup>st</sup> of the following year. This requirement does not apply to unheated garages, sunrooms, porches, breezeways, crawls spaces and attics.
- 8.16.3. No dwelling unit or residential unit shall be equipped with portable or auxiliary heating equipment as the primary source of heat.
- 8.16.4. All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Technical Standards and Safety Act, as amended or other applicable legislation. The owner may be requested to provide documentation from the Technical Standards and Safety Authority (TSSA) or a contractor or person registered with TSSA as proof of compliance.
- 8.16.5. Solid fuel burning appliances shall be maintained in accordance with applicable legislation, and the owner may be requested to provide documentation from a person certified by Wood Energy Technology Transfer Inc. (WETT) as proof of compliance.
- 8.16.6. Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 8.16.7. All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 8.16.8. Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit and a residential unit,. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 8.16.9. Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 8.17. Fire Escapes, Alarms And Detectors

- 8.17.1. A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of multiple residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 8.17.2. In every dwelling unit and in every sleeping room not in a dwelling unit, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed. Within dwelling units, a smoke alarm shall be installed on every floor level, and between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The smoke alarm shall be:
- (a) equipped with visual or audio indication that they are in operating condition;
  - (b) mounted on the ceiling or on a wall between 150 and 300 mm (6 and 12 in) below the ceiling.
- 8.17.3. In every dwelling unit and in every sleeping room not in a dwelling unit, located in a dwelling with a fuel burning appliance or storage garage, a listed carbon monoxide detector, approved by the Canadian Standards Association or Underwriters Laboratories, audible within bedrooms when intervening doors are closed, shall be installed. The detector shall be installed adjacent to the sleeping area, and, in the case of a fuel burning appliance not within a suite, in a room with a fuel burning appliance.
- 8.17.4. The smoke alarms and carbon monoxide detectors required in Sections 8.17.2. and 8.17.3. shall be permanently connected to an electrical circuit where possible and shall have no disconnect switch between the overcurrent device and the alarm or detector as applicable.
- 8.17.5. Buildings using a fire escape as a means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.
- 8.18. Egress
- 8.18.1. Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 8.18.2. Each floor area containing more than one dwelling unit or residential unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior door, stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit or a residential unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,060 by 560mm, (42 x 22 in) with a sill height of not more than 914 mm (36 in), above the inside floor. A single exit is permitted from a dwelling unit or a residential unit, where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the unit.
- 8.18.3. In detached houses, semi-detached houses, townhouses and row houses containing two dwelling units, exit requirements must conform with Compliance Alternative C134 indicated in the 2006 Building Code, Division B, Part 11, Table 11.5.1.1.(c), or provide an equivalent level of safety, as approved.
- 8.18.4. Every floor level with a bedroom shall have an exterior exit door or an outside window that provides an unobstructed opening of 0.35 m<sup>2</sup> (3.8 ft<sup>2</sup>) with no dimension less than 380 mm (15 in). The unobstructed area must

be maintained outside the building envelope, to ground level, to enable a person to exit the building without obstruction.

8.19. Ventilation

8.19.1. Every habitable room in a dwelling, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 m<sup>2</sup> (3 ft<sup>2</sup>), or an approved system of mechanical ventilation such that provide hourly air exchanges.

8.19.2. All system of mechanical ventilation shall be maintain in good working order.

8.19.3. All enclosed areas including basements, crawl spaces and attics or roof spaces shall be adequately ventilated.

8.20. Elevating Devices

8.20.1. Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

8.21. Disconnected Utilities

8.21.1. Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

8.21.2. Section 8.21.1. does not apply if a Tenancy Agreement makes the tenant responsible for the supply of a utility and the supply has been discontinued because of arrears in payment or other reason attributable to the tenant.

8.22. Occupancy Standards

8.22.1. No room shall be used for sleeping purposes unless it has a minimum width of 2 m (6.6 ft), and a floor area of at least 7 m<sup>2</sup> (75 ft<sup>2</sup>).

8.22.2. A basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

- (a) each habitable and non-habitable room shall comply with all the applicable requirements set out in this By-law;
- (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) access to each habitable room shall be gained without passage through a service room or room containing a fuel burning appliance.

**SECTION 9 REGULATIONS FOR NON-RESIDENTIAL PROPERTIES**

9.1. Parking Areas. And Driveways

9.1.1. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.



9.1.2. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

9.2. Structural Soundness

9.2.1. Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

9.2.2. Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

9.3. Exterior Walls

9.3.1. Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

9.3.2. Exterior walls of a building or a structure and their components, shall be free of graffiti and similar defacements.

9.4. Guards and Handrails

9.4.1. A guard shall be installed on the open side of any ramp rising more than 400 mm (16 in) or stairway containing 3 or more risers including the landing, or wherever a height difference of 600 mm (24 in) exists between adjacent floor levels or walking surfaces. A guard shall be installed around the open side of all landings, porches and balconies greater than 600 mm (24 in) above ground, floor or adjacent surface.

9.4.2. A handrail shall be installed on all ramps rising more than 400 mm (16 in) and on all stairs with 3 or more risers.

9.4.3. All guards, balustrades and handrails shall be constructed and maintained rigid in nature, and shall be maintained in good repair.

9.5. Lighting

9.5.1. All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties.

9.6. Plumbing and Bathroom Facilities

9.6.1. Plumbing and drainage systems and appurtenances in a non-residential property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.

9.6.2. Every non-residential unit shall be provided with at least one toilet room.

9.6.3. The toilet room(s) Section 9.6.2. may be located within the non-residential unit or may be a common toilet room(s) shared by more than one non-residential unit as long as access is provided whenever the non-residential unit is occupied.

9.6.4. The toilet room(s) in Sections 9.6.2. and 9.6.3. shall be accessible to the public and employees alike.

9.6.5. Every toilet room, or toilet stall as applicable, shall be enclosed and provided with a door that can be secured from the inside.

9.7. Heating and Ventilation

9.7.1. All rooms and areas normally or frequently occupied in a non-residential property shall be provided with heating and ventilation systems appropriate for the occupancy and suitable to the circumstances under consideration and in accordance with good engineering and construction practice.

9.7.2. All heating and ventilation systems, and their respective components, shall be maintained in good repair.

**SECTION 10** **PROPERTY STANDARDS COMMITTEE**

10.1. The Property Standards Committee (in this By-law referred to as “the Committee”) is hereby established which shall consist of not less than three ratepayers of the City of Welland, who shall hold office for a term of three years, except that in making the first appointments to the Committee, the Council shall designate members who will hold office,

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

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

10.2. A member of Council or an employee of the municipality or of a local board therein is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an “employee” for the purpose of this Section.

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

10.4. Members of the Committee shall be paid compensation for each Hearing attended in accordance with the rate established by Council in a by-law or by resolution. For purposes of this Section, several appeals heard on a single date shall be considered one Hearing.

10.5. The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair.

10.6. A majority of the members constitutes a quorum for transacting the Committee’s business.

10.7. The members shall provide for a Secretary for the Committee.

10.8. The Secretary shall keep on the 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.

10.9. The Committee may, adopt its own rules of procedure and any member may administer oaths.

10.10. The Committee shall give notice or direct that notice be given of the hearing of an appeal to such person as the Committee considers advisable.

**SECTION 11** **APPEAL OF ORDER**

- 11.1. An owner or occupant who has been served with an Order and who is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the Order.
- 11.2. An Order that is not appealed within the time referred to in Section 11.1 shall be deemed to be confirmed.
- 11.3. On an appeal, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the Order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the Official Plan or policy statement:
- (a) Confirm, modify or rescind the Order to demolish or repair.
  - (b) Extend the time for complying with the Order.
- 11.4. The municipality in which the property is situate or any owner or occupant or person affected by a decision under Section 11.3 may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.
- 11.5. An Order that is deemed to be confirmed under Section 11.2 or that is confirmed or modified by the Committee under Section 11.3 or a judge under Section 11.4, as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.
- 11.6. The fee for an application for an appeal shall be in accordance with Section 5.1.2.

## **SECTION 12                    COMPLAINT PROCESS AND RELEASE OF INFORMATION**

- 12.1. Upon receipt of a signed letter providing the full name, address and telephone number of the complainant, and identifying the subject building and specific details of the problems and deficiencies with the building, the Officer shall investigate.
- 12.2. Complaints from tenants will require proof the landlord has been properly advised in writing and has been given a reasonable time to respond; prior to acceptance of the letter required in Section 12.1.
- 12.3. Correspondence to and from the complainant, including the original letter of complaint, and with the Owner while the investigation and enforcement process is underway, is strictly confidential and shall not be released.
- 12.4. Notwithstanding Section 12.3 release of a copy of the Property Standards Order or a letter from the Officer indicating full compliance with the Order may be released subject to the Municipal Freedom of Information and Protection of Privacy Act.

## **SECTION 13                    REMOVAL AND REINSTATEMENT**

- 13.1. If an Order of an Officer under section 14.3 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.
- 13.2. For the purpose of Section 13.1, 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.
- 13.3. The municipality shall have a lien on the land for the amount spent on the repair or demolition under Section 13.1 and the amount shall have priority

lien status as described in section 1 of the *Municipal Act, 2001*. A City administration charge as described in Section 5 shall be included in the cost recoverable.

- 13.4. Any thing removed by this Section may be destroyed or deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed and stored, the owner or person may reclaim such thing upon payment to the City, its Agents or Contractor, any costs incurred by the City, its agent or contractor in the removal of such thing. Where the thing has not been reclaimed within 30 days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.

## **SECTION 14                    ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

- 14.1. This by-law shall be administered and enforced by an Officer or any City employee otherwise delegated the authority of administration and enforcement of this by-law.
- 14.2. An Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
- (a) whether the property conforms with the standards prescribed in the by-law; or
  - (b) whether an Order made under Section 14.3 has been complied with.
- 14.3. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law, may make an Order,
- (a) stating the municipal address or the 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.
- 14.4. The Order shall be served on the owner of the property and such other persons affected by it as the Officer determines and a copy of the Order may be posted on the property.
- 14.5. The 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 14.4.
- 14.6. No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer, in the exercise of a power or the performance of a duty under this by-law.
- 14.7. For the purposes of an inspection under section 14.2, an Officer may,
- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
  - (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to a property or part thereof;

- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (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.

- 14.8. Nothing in this by-law shall be construed as limiting, restraining, superseding, impeding or otherwise conflicting with the authority of the Medical Officer of Health, Fire Marshal, or any Provincial or Federal Minister and his/her powers as set out in any Act, by-law or regulation.
- 14.9. No person shall refuse to produce any documents or things required by an Officer under this by-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.
- 14.10. No person shall knowingly furnish false information in any form to the City or Officer with respect to this by-law.

## **SECTION 15      APPOINTMENTS**

- 15.1 The persons employed by the City of Welland and listed in Schedule "A" to this by-law are hereby assigned the responsibility of administering and enforcing this By-law.

## **SECTION 16      OFFENCES AND PENALTIES**

- 16.1. A person is guilty of an offence if the person,
- (a) fails to comply with an Order, direction, or other requirement made under the Act, or
  - (b) contravenes the Act.
- 16.2. Fines and penalties are as described in the Act, and include fines of not more than \$50,000/\$100,000 for an individual and not more than \$100,000/\$200,000 for a Corporation.
- 16.3 Administrative Penalty By-law 2019-134 applies to each administrative penalty issued pursuant to this By-law. (By-law 2019-136)
- 16.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law 2019-134, be liable to pay to the City an administrative penalty as set out in Schedule "B" attached. (By-law 2019-136)

## **SECTION 17      SCHEDULES**

- 17.1. Schedule "A" attached hereto shall be read with and forms part of this By-law.

## **SECTION 18      VALIDITY**

- 18.1. Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.

## **SECTION 19      REPEAL OF OTHER BY-LAWS**

- 19.1. By-laws 11258, 3872, and 2314, as amended, be and the same are hereby repealed.

**SECTION 20****TRANSITIONAL RULES**

- 20.1. After the date of the passing this By-law, By-law No. 11258, as amended, shall continue to apply only to Orders issued prior to the date of passing of this By-law, and then only to such items identified in the Order, until such time as the work required by 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.

**SECTION 21****EFFECTIVE DATE**

- 21.1. This by-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 14th DAY OF JULY, 2009.

As Amended by: By-law 2009-121 passed September 15, 2009

As Amended by: By-law 2011-19 passed February 15, 2011

As Amended by: By-law 2015-104 passed August 25, 2015

As Amended by: By-law 2016-157 passed November 15, 2016

As Amended by: By-law 2019-136 passed November 19, 2019

As Amended by: Resolution 2020-139 passed May 5, 2020

As Amended by: By-law 2022-84 passed May 3, 2022

As Amended by: By-law 2025-71 passed June 3, 2025

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for the accurate reference, recourse should be had to the original By-law(s).

**SCHEDULE “A”**

**THE CORPORATION OF THE CITY OF WELLAND**

**PROPERTY STANDARDS BY-LAW 2009-108, AS AMENDED**

1. The following person employed by the City of Welland as Chief Building Official is assigned the responsibility of administering and enforcing this By-law;
  - (a) Jack Tosta
2. The following persons employed by the City of Welland as Building Inspector/ Property Standards Officers are assigned the responsibility of administering and enforcing this By-law:
  - (a) Silvestro Ravenda
  - (b) Thomas Ferguson
  - (c) Jennifer McRae
  - (d) Matt Richardson
  - (e) Gerald Moore
  - (f) Mandy Harris
  - (g) Barbara Mocny
  - (h) Matthew Balenovich
  - (i) Fatmagul Burucu Uslu
  - (j) Carmen Mignelli
  - (k) Andrew Puszczalowski
  - (l) Marcus Titone
  - (m) Bradley Taylor
3. The following persons employed by the City of Welland as Municipal By-law Enforcement Officers/ Property Standards Officers are assigned the responsibility of administering and enforcing this by-law:
  - (a) James Cronshaw
  - (b) Adam White
  - (c) Jeff Petruzzo
  - (d) Gabriel Tiberi
  - (e) Anthony Aumell
  - (f) Cameron McIlroy



**SCHEDULE “B”**  
**THE CORPORATION OF THE CITY OF WELLAND**  
**SET FINE SCHEDULE**  
**PROPERTY STANDARDS BY-LAW 2009-108, AS AMENDED**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 First Penalty</b>	<b>COLUMN 4 Second Penalty or Subsequent Penalty</b>
1.	Fail to comply with an Order, direction or other requirement	Sec. 16.1 (a)	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00