

CITY OF TORONTO

BY-LAW 577-2022

To amend City of Toronto Municipal Code Chapter 629, Property Standards.

The Council of the City of Toronto enacts:

1. The definition of "ground cover" in § 629-1 is deleted and replaced with the following:

GROUND COVER - Any suitable material applied to the ground to prevent erosion of the soil and includes concrete, flagstone, gravel, asphalt, grass, brick, artificial turf or other form of landscaping.

2. The following definitions are added to § 629-1, in alphabetical order:

MOTORIZED VEHICLE - Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, E-Bike and any vehicle drawn, propelled or driven by any kind of power, except those drawn, propelled or driven by muscular power.

NON-MOTORIZED VEHICLE - Includes a bicycle, scooter and any vehicle drawn, propelled or driven by muscular power.

PEST - A mammal, bird or insect infestation injurious to humans or property, including but not limited to rats, mice, bats, ants, cockroaches, silverfish, fleas, or bedbugs, but does not include any species designated under the Species at Risk Act or Endangered Species Act, 2007.

3. The definition of "vehicle" in § 629-1 is deleted.
4. Section 629-3B is deleted and replaced with the following:
 - B. Each Committee Hearing Panel shall hear appeals of orders made under Section 629-49.1 respecting property in the geographic area of a Community Council area as set out in Appendix B-3 of Chapter 27, Council Procedures.

5. Section 629-9 is deleted and replaced with the following:

All properties shall at all times be kept free of pests and from conditions which may encourage infestation by pests.

6. Section 629-10D is deleted and replaced with the following:
 - D. No mechanical equipment, motorized or non-motorized vehicle, trailer or boat or a remnant or any part of them, or that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard, unless it is lawfully permitted to use the yard for this purpose.

7. Section 629-11E is deleted and replaced with the following:
 - E. A tree or other plant, or a limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.

8. Section 629-17A is deleted and replaced with the following:
 - A. A barrier or deflectors to prevent lighting and motorized and non-motorized vehicle headlights from shining directly into a dwelling unit;

9. Section 629-20E is deleted and replaced with the following:
 - E. All aerials, satellite dishes, lightning arrestors, solar panels and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.

10. Section 629-21A(1) is deleted and replaced with the following:
 - (1) All exterior openings for doors and windows shall be fitted with doors or windows that are maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of pests.

11. Section 629-22D and H are deleted and replaced with the following:
 - D. The receptacles shall be containers that are water-tight, equipped with a tight-fitting cover, pest-proof, and shall be maintained in a clean state.

 - H. Screening of garbage and refuse on a non-residential property shall be a visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact to persons at grade on adjacent properties or a public highway.

12. Section 629-23.B is deleted.

- 13.** Section 629-23D, E, F and H are deleted and replaced with the following:
- D. All areas used for motorized vehicular traffic or the parking or storage of a motorized vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
 - E. Despite Subsection C, if a non-residential property abuts a residential property, all the areas used for motorized vehicular traffic or the parking or storage of a motorized vehicle shall be surfaced with asphalt, concrete or interlocking stone.
 - F. All areas of a yard that are used for motorized vehicular traffic or the parking or storage of a motorized vehicle or that are surfaced with a material impervious to water shall be:
 - (1) Kept free from dirt, surface dust and refuse;
 - (2) Maintained in good repair and free from cracks, holes and ruts;
 - (3) Adequately graded and drained to prevent ponding of water and to direct the flow of water away from the walls of all buildings; and
 - (4) Provided with suitable markings to indicate parking spaces, and the markings shall be maintained so as to be clearly visible.
 - H. All areas of a property used for motorized vehicular traffic or the parking or storage of a motorized or non-motorized vehicle shall be provided with secured curb stops or other restraining devices to prevent vehicles from causing injury to any person or encroaching on or causing damage to any property.
- 14.** Section 629-31A is deleted and replaced with the following:
- A. Elevators shall be maintained in a clean condition and certified to be in good working order and in compliance with the Technical Safety and Standards Act, 2000.
- 15.** Section 629-37K is deleted and replaced with the following:
- K. Any sanitary facility in a building with a mercantile occupancy of more than 300 square metres or an established occupancy load of more than nine persons, that is provided or required for public use under the Building Code, predecessor legislation or another Act, shall have the following signs:
 - (1) A sign posted on the door or entrance to the sanitary facility in a conspicuous manner, that clearly indicates that it is a sanitary facility, that is in form and location satisfactory to the Executive Director, Municipal Licensing and Standards; and
 - (2) Directional signs, which shall be displayed at one or more customer service counters, attendant stations or cash register areas so that the

location of the sanitary facilities within the building or the part of the building with a mercantile occupancy is prominently displayed.

16. Section 629-39F is deleted and replaced with the following:

- F. A parking or storage garage that has a capacity for more than five motorized vehicles shall have a mechanical ventilation system capable of providing a supply of fresh air, and the system shall remain on at all times unless otherwise controlled automatically by a carbon monoxide detection system that is located so as to provide full protection.

17. Section 629-40B and C are deleted and replaced with the following:

- B. If a parking or storage garage has a common entrance and a capacity for more than five motorized vehicles, it shall be painted as follows, and all painted surfaces shall be maintained in a state of good repair and reasonable cleanliness:
- (1) Every ceiling, wall and column shall be painted white from 60 centimetres above floor level; and
 - (2) The remaining portion of the wall and the column from floor level to a height of 60 centimetres shall be painted black.
- C. No machinery, boats, motorized and non-motorized vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or junk or rubbish shall be kept or allowed to remain in a parking or storage garage.

18. Section 629-41E and H are deleted and replaced with the following:

- E. If more than one pedestrian exit door is required from a parking or storage garage, the exit doors shall be located so that the travel distance to at least one exit door shall not be more than:
- (1) 61 metres in any parking or storage garage that is an open parking or storage garage of not more than 10,000 square metres in building area and where no alternative use is made above the garage;
 - (2) 45 metres in any parking or storage garage that is equipped with a sprinkler system; and
 - (3) 30 metres in any parking or storage garage that is not equipped with a sprinkler system.
- H. Every door providing access to a parking or storage garage used or intended for use exclusively by the residents of a multiple-dwelling for the storage or parking of motorized vehicles shall be equipped with:
- (1) A latch that will prevent entry to the garage except by the use of a key, coded card or similar device; and

- (2) A self-closing device designed to return the door to the closed and latched position after each use.

19. The following Article is added Chapter 629:

ARTICLE VI

Orders, Appeals of Orders, Remedial Action, Certificates of Compliance, Powers to Enter and Inspect, Offences and Penalties

§ 629-49.1. Property Standards Orders.

- A. An officer who finds that a property does not conform to one or more of the standards prescribed in this Chapter may make an order:
 - (1) Stating the municipal address and/or the legal description of the property;
 - (2) Giving reasonable particulars of the repairs to be made and/or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - (3) Indicating the time for complying with the terms of the order and giving notice that, if the repair or clearance is not carried out within that time, the City may carry out the repair or clearance at the owner's expense; and
 - (4) Indicating the final date for giving notice of appeal from the order.
- B. 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 in a location visible to the public.
- C.
 - (1) An order may be served personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
 - (2) If an order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the order was not received until a later date.
 - (3) If an order is served by email, the service shall be deemed to have been made on the day of sending unless:
 - (a) the order was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or

- (b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.
- D. 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.

§ 629-49.2. Appeals of Property Standards Orders.

- A. An owner or occupant who has been served with an order and who is not satisfied with the terms of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail and the applicable fee to the secretary of the Property Standards Committee within 14 days after being served with the order.
- B. An order that is not appealed within the time referred to in subsection A shall be deemed to be confirmed.
- C. The Property Standards Committee shall hear the appeal.
- D. On an appeal, the Property Standards Committee has all the powers and functions of the officer who made the order and the Property Standards Committee may do any of the following things if, in the Property Standard Committee's opinion, doing so would maintain the general intent and purpose of this Chapter:
 - (1) Confirm, modify or rescind the order to demolish or repair;
 - (2) Extend the time for complying with the order.
- E. The City or any owner or occupant or person affected by a decision under Subsection D may appeal to the Superior Court of Justice by notifying the City Clerk in writing and by applying to the court within 14 days after a copy of the decision is sent.
- F. An order that is deemed to be confirmed or that is confirmed or modified by the Property Standards Committee or by a judge of the Superior Court of Justice, if appealed from the Property Standards Committee, shall be final and binding upon the owner and/or occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

§ 629-49.3. Remedial action.

- A. If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the City may cause the property to be repaired or demolished accordingly.

- B. For the purpose of Subsection A, employees or agents of the City may enter the property at any reasonable time without a warrant to repair or demolish the property, provided that, if this requires entry into any room or place actually used as a dwelling, within a reasonable time before entering, the occupant is served with notice of the intention to enter.
- C. Neither the City nor a person acting on its behalf is liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under Subsection A.
- D. The City shall have a lien on the property for the amount spent on the repair or demolition under Subsection A and the amount shall have priority lien status as described in Section 3 of the City of Toronto Act, 2006.

§ 629-49.4. Certificate of compliance.

- A. When, after an inspection, an officer is of the opinion that a property is in compliance with this Chapter:
 - (1) an owner of the property shall; or
 - (2) any other person may, be issued a certificate of compliance upon submitting a completed application form and paying the applicable fee to the City.
- B. If the order has been registered on title, then in addition to issuing a certificate of compliance under Subsection A, the City Clerk shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

§ 629-49.5. Powers to enter and inspect.

- A. An officer acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine:
 - (1) whether the property conforms with the standards prescribed in this Chapter; or
 - (2) whether an order has been complied with.
- B. Despite Subsection A, an officer shall not enter or remain in any room or place actually used as a dwelling unless:
 - (1) the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
 - (2) a warrant issued under the Building Code is obtained;

- (3) the delay necessary to obtain the consent of the occupant or a warrant would result in immediate danger to the health or safety of any person; or
 - (4) the entry is necessary to terminate a danger under Subsection 15.7(3) of the Building Code.
- C. For the purposes of an inspection under subsection A, an officer may:
- (1) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part of the property;
 - (2) inspect and remove documents or things relevant to the property or part of the property for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to a property or part of the property;
 - (4) be accompanied by a person who has special or expert knowledge in relation to a property or part of a property;
 - (5) 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
 - (6) 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.

§ 629-49.6. Offences and penalties.

- A. A person is guilty of an offence if the person:
- (1) fails to comply with an order, direction or other requirement made under this Chapter; or
 - (2) fails to comply with a standard prescribed in this Chapter.
- B. Every director or officer of a corporation who knowingly concurs in the failure to comply or the contravention under Subsection (A) is guilty of an offence.
- C. A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
- D. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.

20. Article VI, Transition is renumbered as Article VII, Transition.

21. Schedule A-4 and Schedule A-5 are deleted.

Enacted and passed on June 16, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)