

## **Harmonization of Property Standards By-law**

*(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, amended this Clause:*

- (a) in accordance with Recommendations Nos. (1), (2) and (3) embodied in the report dated September 26, 2000, from the City Solicitor, viz.:*

*“It is recommended that:*

- (1) the following recommendation with respect to fire route signage, in Recommendation No. (1)(b)(ii) of Clause No. 6 of Report No. 9 of The Planning and Transportation Committee, be referred to the Commissioner of Works and Emergency Services for consideration in consultation with the City Solicitor for inclusion in the harmonized fire routes by-laws:*

*‘(ii) amend this Section to include the following:*

*‘With respect to fire routes, signage be in an approved form and that no signage be erected, or permitted to remain, unless under the auspices of the Commissioner of Works and Emergency Services supported by an amendment to the schedule under the Fire Route by-law;’;*

- (2) the following recommendation with respect to tagging or towing of vehicles signage, in Recommendation No. (1)(b)(ii) of Clause No. 6 of Report No. 9 of The Planning and Transportation Committee, not be adopted:*

*‘(ii) amend this Section to include the following:*

*‘With respect to tagging and/or towing of vehicles, signage shall be in an approved form and no signage shall be erected, or permitted to remain, unless under the auspices of Toronto Police Services and, in accordance with, the towing from private property by-law;’;*

- (3) the following Recommendation No. (1)(j) of Clause No. 6 of Report No. 9 of The Planning and Transportation Committee, not be adopted:*

*‘(j) amending Section 17 – Buffering, by adding the following additional Subsection:*

*“E. A barrier shall be erected to prevent airborne emissions from negatively impacting on the occupants of neighbouring properties.” ’ ”;*

(b) *by deleting from the draft Property Standards By-law, Part C.(2) of Section 20, and inserting in lieu thereof the following new Part C.(2):*

*“(2) Any above ground discharge from a downpipe or pipe shall be directed to discharge and be contained on the property in a manner that is not likely to cause damage to any adjoining property or create a hazardous condition on any stairway, walkway, street or boulevard.”; and*

(c) *by adding thereto the following:*

*“It is further recommended that:*

- (1) the City of Toronto petition the Province of Ontario for special legislation to enable the City to regulate the outdoor emission of objectionable odours, including kitchen odours;*
- (2) the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, be requested to submit a report to the Works Committee, in March 2001, on possible amendments to City of Toronto By-law No. 457-2000 (to regulate the discharge of sewage and land drainage), to address problems of surface drainage on adjoining properties, such report to specifically address changes in elevation caused by infill building;*
- (3) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee, in the new year, on the enforcement of the Property Standards by-law; and*
- (4) the communication dated September 25, 2000, from the City Clerk, North York Community Council, be received.”)*

**The Planning and Transportation Committee recommends that:**

**(1) the draft Property Standards By-law appended to the report (May 20, 2000) from the Commissioner of Urban Development Services be adopted subject to the following amendments, and that authority be granted for the introduction of the necessary bill in Council for its next meeting on October 3, 2000, to give effect thereto:**

**(a) adding the following new Subsection to Section 22 – Garbage and debris storage removal:**

**“B. All garbage bags containing garbage shall be stored within an enclosed garage or in a covered garbage receptacle.;**

**and renumbering the subsections as necessary;**

**(b) with respect to Section 15 – Signs:**

- (i) add the following new Subsection C.:

**“C. Signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible at all times.”**

- (ii) amend this Section to include the following:

**“With respect to fire routes, signage be in an approved form and that no signage be erected, or permitted to remain, unless under the auspices of the Commissioner of Works and Emergency Services supported by an amendment to the schedule under the Fire Route By-law;**

**with respect to tagging and/or towing of vehicles, signage shall be in an approved form and no signage shall be erected, or permitted to remain, unless under the auspices of Toronto Police Services and in accordance with the towing from private property by-law; and**

**signage be free from defects or faded lettering.”**

- (c) amending Subsections A(1), A(2) and E of Section 21 – Exterior openings, doors, windows and sky lights, to read:

**“A. (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 rodents, vermin and insects.**

**(2) Any openings in an exterior wall of a building that are not protected by a door or window shall be maintained in a weather tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.**

**E. In every multiple-dwelling every window, any part of which is capable of being opened, that does not lead to a balcony and that is located two (2) metres or more above the finished grade of land upon which it faces, shall be equipped with a safety device to prevent an opening in any part of the window greater than one hundred (100) millimetres.”;**

- (d) deleting Subsection B of Section 30 – Ancillary rooms, and substituting the following:

**“B. Laundry rooms shall be maintained in a clean and sanitary condition and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.”**

**(e) amending Subsection A of Section 33 – Mail, to read:**

**“A. A separate and secure mail box or mail receptacle shall be provided for each dwelling unit and maintained in good repair at all times.”**

**(f) deleting Subsection C of Section 34 – Kitchen facilities, and substituting the following:**

**“C. Each kitchen in a dwelling unit shall be provided with an approved, connected and operating gas or electrical supply to facilitate the operation of any cooking and refrigeration appliances.”**

**(g) amending Subsection F of Section 38 – Heating and air conditioning, to read as follows:**

**“F. All air conditioning systems shall be operated from June 2<sup>nd</sup> to September 14<sup>th</sup> so as to maintain an indoor temperature of not more than twenty-six degrees Celsius (26° C).”**

**(h) amending Subsection F of Section 39 – Ventilation by deleting the term “carbon monoxide monitoring devices” and substituting with the term “a carbon monoxide detection system”;**

**(i) deleting Subsections J, K and L of Section 41 – Garage doors; exit doors, and substituting the following:**

**“J. If an exit door required under this section does not open directly to the outside of a building, the exit door must incorporate wired glass panels over fifty percent (50%) of its surface unless it is also a door which is required to have a fire protection rating, in which case it must incorporate the maximum coverage of wired glass panels allowed by the Ontario Building Code.**

**K. If it is necessary to pass through a required exit door to obtain access to a lockable entrance door to the building, all doors through which a person must pass or pass by from the first required exit door to the outside of the building, except the lockable entrance door and the door opening directly to the outside, must incorporate wired glass panels over fifty percent (50%) of their surfaces.**

**L. If a door is required to incorporate wired glass panels under Subsections J or K, the door shall conform with any requirements of the Ontario Building Code and the Ontario Fire Code.”;**

**(j) amending Section 17 – Buffering, by adding the following additional Subsection:**

**“E. A barrier shall be erected to prevent airborne emissions from negatively impacting on the occupants of neighbouring properties.”**

**(2) all existing Property Standards Appeal Committees, and the Housing Standards Appeal Committee of the former City of Toronto, be confirmed and granted authority to hear appeals concerning Orders issued in relation to violations to the provisions of the new by-law until such time as a new Committee structure has been established;**

**(3) Recommendation (2) of the report (August 25, 2000) from the City Solicitor be adopted subject to:**

**(a) adding the word “new” before the words “kitchen exhausts”;**

**(b) adding the words “and commercial” after the word “residential”; and**

**(c) adding to the end thereof the following :**

**“where the distance between two buildings is 10 feet or less.”**

**so as to read:**

**“Council request the Minister of Municipal Affairs and Housing to amend the Building Code to require new kitchen exhausts in residential and commercial dwellings to be vented above the roofline in order to mitigate the impact of cooking odours on neighbouring properties where the distance between two buildings is 10 feet or less”;**

**(4) the City seek special legislation to give the City the right to carry out elevator repairs and/or replacement and charge back the costs to the building owners in a like manner to taxes;**

**(5) the report (September 1, 2000) from the Commissioner of Urban Development Services, be adopted, which reads:**

**“(1) the application fee for a property standards appeal be set at \$200.00; and**

**(2) the City Solicitor be directed to prepare the necessary bill to give effect to the Committee's decision for the consideration of Council at its next meeting.” and**

- (6) the new Property Standards By-law, as approved by Council, be made available in booklet form at a nominal cost to cover printing costs.**

The Planning and Transportation Committee reports, for the information of Council, having referred the following suggested amendment to the draft Property Standards By-law, contained in the body of the report (August 22, 2000) from the Commissioner of Urban Development Services, to the Commissioner of Urban Development Services for further consideration:

“(b) adding the following new Subsection F. to Section 10 – Maintenance of yards and property:

“F. Play area.

- (1) Where the owner of a multiple-dwelling provides an outdoor play area on the property, the play area shall be enclosed with a chain link fence that is not less than one and two tenths (1.2) metres in height and have at least one (1) gate that forms part of the fence.
- (2) Every gate shall be supported on substantial hinges, self-closing and provided with a self-latching device located on the inside near the top of the gate or on the outside of the gate and not less than one hundred and five tenths (1.5) metres above grade.”

**The Planning and Transportation Committee submits the following report (May 20, 2000) from the Commissioner, Urban Development Services:**

Purpose:

To report on the harmonization of the property standards by-law.

Financial Implications and Impact Statement :

There is no financial implication resulting from the adoption of this report.

Recommendations :

It is recommended that:

- (1) the attached harmonized property standards by-law be received;
- (2) all existing Property Standards Appeal Committees along with the Housing Standards Appeal Committee of the former City of Toronto be confirmed and given authority to hear appeals concerning Orders issued in relation to violations to the provisions of the new by-law until such time as a new Committee structure has been established;

- (3) this report be forwarded to all Community Councils for their review and comment for the next meeting of your Committee; and
- (4) the City seek special legislation authorizing Council to pass City wide by-laws to prohibit and regulate long grass and weeds, the clearing of ice and snow on private property and graffiti on buildings or structures, in a manner similar to that adopted by some of the former municipalities.

#### Background:

As part of our program to harmonize by-laws of the former municipalities, we have directed our attention to the property standards by-law.

Prior to amalgamation, all municipalities, with the exception of the former City of Toronto, had adopted a property standards by-law under the authority of the Planning Act. In addition to giving municipalities authority to pass property standards by-laws, the Act required municipalities exercising that authority to appoint a Property Standards Committee to consider appeals to Orders issued by Property Standards Officers.

The former City of Toronto adopted a housing standards by-law under the authority of the City of Toronto Act, 1936 as amended. Under the Act, the City was required to appoint a Housing Standards Appeal Committee to consider appeals to Orders issued in relation to the by-law.

#### Special Legislation:

We have been advised by Legal Services that in order to pass a by-law to regulate long grass and weeds, the clearing of ice and snow from private property and the removal of graffiti, the City would require special legislation from the Province. The authority being requested is similar to that which was enjoyed by some of the former municipalities. The benefit to having a by-law under special legislation to deal with each of these issues is that any notice that the City may issue requesting compliance, would not be subject to appeal.

#### Comments:

In addition to the draft by-law, attached you will find comparison charts which have been prepared to illustrate what impact, if any, the new harmonized by-law will have on each of the former municipalities.

Although the draft by-law includes maintenance standards for long grass and weeds, the clearing of ice and snow from private property and the removal of graffiti, the inclusion of these concerns in the property standards by-law is intended only as a temporary measure. It is recommended that the City seek special legislation from the Province authorizing Council to separately prohibit and regulate these concerns.

We are recommending that the existing Property Standards Committees along with the Housing Standards Appeal Committee of the former City of Toronto be confirmed and authorized to

consider appeals to orders issued in connection with the new harmonized by-law, until such time as a new committee structure is established.

Conclusions :

The newly harmonized property standards by-law is designed to ensure that all properties comply with minimum standards for maintenance and occupancy, while at the same time ensuring the highest degree of safety for the community.

If, after review by Community Councils, the Committee finds it desirable to adopt the by-law and the recommendations contained in this report, it is suggested that the City Solicitor, in consultation with the Commissioner of Urban Development Services, be authorized to prepare and introduce in Council a bill substantially in the form of the attached draft by-law along with any other bill necessary to the implementation of the draft by-law and make the necessary submission to the Province requesting special legislation as suggested in this report.

The format contained in the draft by-law has been reviewed and approved by Legal Services.

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**June 1, 2000 draft  
CITY OF TORONTO**

Bill No.

**BY-LAW No.**

**The Property Standards By-law.**

WHEREAS the official plans of the former area municipalities of the City of Toronto are in effect and include provisions relating to property conditions; and

WHEREAS under section 15.1(3) of the Building Code Act, 1992, Council may pass a by-law:

- (a) prescribing standards for the maintenance and occupancy of property within the City and for prohibiting the occupancy or use of such property that does not conform with the standards; and
- (b) 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;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

**ARTICLE I**  
**Definitions; Application**

**1. Definitions.**

A. As used in this By-law, the following terms have the meanings indicated:

**ACCESSORY BUILDING** — A subordinate building or structure that is devoted exclusively to the use naturally and normally incidental to the main use of the property and is located in a yard appurtenant to the main building.

**BASEMENT** — Storey of a dwelling which is below ground level, and includes a cellar.

**CITY** — The City of Toronto.

**COUNCIL** — The Council of the City of Toronto.

**DWELLING** — A building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

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

**HABITABLE ROOM** — A room in a dwelling designed, lawfully used or capable of being lawfully used for living, sleeping, cooking or eating purposes.

**MIXED-USE BUILDING** — A building lawfully used in part for residential purposes and in part for non-residential purposes.

**MULTIPLE-DWELLING** — A building or part of a building containing three (3) or more dwelling units.

**NON-HABITABLE FLOOR AREA:**

A. A room in a building or a dwelling unit other than a habitable room, and, includes:  
**USE DWELLING UNIT HERE BUT DWELLING BELOW**

(1) A bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, or boiler room.

- (2) Any part of a room having a clear ceiling height of less than one and four-tenths (1.4) metres.
- B. Other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

NON-RESIDENTIAL PROPERTY — Land, a building or structure used or capable of being used for other than residential purposes.

RESIDENTIAL PROPERTY — Land, a building or structure used, capable of being of being used, designed or intended for residential use.

SEWAGE SYSTEM — The City sanitary sewer system or a private sewage disposal system approved by the City.

STANDARDS — The standards for the maintenance and occupancy prescribed for property in this By-law.

VEHICLE — Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

YARD — The part of the lot unoccupied by the main building and includes vacant land.

The terms “occupant”, “owner”, “property” and “repair” shall have the same meanings as in subsection 15.1(1) of the Building Code Act, 1992. [These meanings are noted as follows, for reference purposes only and are subject to Subsection C:

“occupant” means any person or persons over the age of 18 years in possession of the property;

“owner” includes,

- (a) 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 receive the rent if the land and premises were let, and
- (b) 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;

“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;

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section;

- B. A term not defined in Subsection A shall have the same meaning as the term in the Building Code Act, 1992 or in the Building Code.
- C. In this By-law a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

**2. Application.**

This By-law applies to all property in the City of Toronto.

**ARTICLE II  
Property Standards Committee**

**3. Property Standards Committee.**

[ transition provision to be added to continue present area municipality committees.]

**ARTICLE III  
General Duties and Obligations**

**4. Compliance required.**

- A. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this By-law.
- B. No basement or any portion of a basement shall be used or permitted to be used as a habitable room or dwelling unit unless each habitable room complies with all requirements for egress, light, ventilation, and ceiling height set out in this By-law.

**5. Owner’s duties.**

The owner of property shall:

- A. Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe condition; and
- B. Ensure that every supplied facility, piece of equipment or appliance in or on the property is constructed, installed and maintained so that it will function safely and effectively, and is kept in a satisfactory working condition.

**6. Occupant's duties.**

Every person who occupies property shall:

- A. Maintain the property in a clean and sanitary condition;
- B. Maintain all plumbing, cooking, refrigerating appliances and fixtures, and all storage facilities and other equipment in or on the property in a clean and sanitary condition;
- C. Maintain every washroom, sanitary convenience room and every fixture in them in a clean and sanitary condition;
- D. Keep all exits from the property clear and unobstructed;
- E. Co-operate with the landlord in complying with the requirements of this By-law;
- F. Limit the number of occupants to the maximum number permitted by this By-law; and
- G. Take immediate action to eliminate any unsafe condition.

**7. Manner of making repairs.**

- A. All repairs shall be made in a good workmanlike manner with materials that are suitable and sufficient for the purpose and free from defects.
- B. Without restricting the generality of Subsection A:
  - (1) The requirement that repairs be made in a "good workmanlike manner" includes:
    - (a) Ensuring that the component repaired can perform its intended function.
    - (b) Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
  - (2) The requirement that repairs be made with "materials that are suitable and sufficient for the purpose" includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

**8. Higher standard.**

If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

**ARTICLE IV**  
**Standards**

**9. Pest control.**

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

**10. Maintenance of yards and property.**

- A. Nothing in this section shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.
- B. All yards and any other part of a property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- C. All yards and any other part of a property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- D. No mechanical equipment, 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
- E.
  - (1) Firewood for domestic use may be stored in a rear yard if the area used for this storage is not more than fifteen percent (15%) of the area of the rear yard.
  - (2) The stored firewood shall be:
    - (a) Neatly piled not less than three hundred (300) millimetres from any lot line;
    - (b) Stored at a height of not less than one hundred and fifty (150) millimetres above grade; and
    - (c) Stored with a total height of not more than one and five-tenths (1.5) metres.

**11. Landscaping, drainage and grading.**

- A. All yards shall be graded and provided with suitable ground cover to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all buildings.

- B. Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than twenty (20) centimetres.
- C. All lawns, shrubs and hedges shall be kept trimmed and not be overgrown.
- D. All yards shall be kept free of heavy undergrowth and weeds.
- E. A tree or other plant, or a limb or branch or 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.
- F. All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
  - (1) Obstruct the safety of the public;
  - (2) Affect the safety of vehicular or pedestrian traffic;
  - (3) Constitute an obstruction of view for vehicular traffic;
  - (4) Wholly or partially conceal or interfere with the use of any hydrant or water valves; or
  - (5) Overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.
- G. All catchbasins, storm drains, ditches and swales shall be maintained free from defects and obstructions.

## **12. Accessory buildings.**

Every accessory building shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives, or other weather resistant material.

## **13. Enclosures.**

All fences, screens and other enclosures around or on a property shall be maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical, with a uniform construction, in good repair and free from hazards.

## **14. Retaining walls.**

Retaining walls shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

**15. Signs.**

- A. Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn, peeled or cracked finish, shall be removed or refinished and put in a good state of repair.
- B. Signs and sign structures that are not used for the purpose intended, not cared for or discarded shall be removed from the property.

**16. Structural adequacy.**

- A. Every part of a building or structure shall be maintained in good repair and in a structurally sound condition so as:
  - (1) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;
  - (2) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
  - (3) To prevent the entry of moisture that would contribute to damage, decay or deterioration.
- B. Foundation walls, basements, cellars, and crawl spaces and other supporting members of a building or structure shall be maintained in good repair and structurally sound.
- C. For purposes of this section, "Structure" includes a fence, shed or other small building in addition to structures defined in the Ontario Building Code Act.

**17. Buffering.**

Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- A. A barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
- B. A barrier to prevent wind blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;
- C. A visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and

- D. The provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

**18. Exterior walls, columns and beams.**

- A. Exterior columns, walls and their components, shall be maintained in good repair, weather tight and free from loose or unsecured objects and materials.
- B. The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- C. Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and coordinated to the exterior finish of the building or structure.
- D. All canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

**19. Stairs, guards, handrails and other structures.**

- A. All stairs, verandahs, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them, shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.
- B. All retaining walls shall be protected by a guard with a height of not less than one thousand and seventy (1,070) millimetres, if the vertical distance to the surface or horizontal plane below the retaining wall is greater than six hundred (600) millimetres.
- C. All required guards and handrails shall be installed in accordance with and maintained to comply with the Ontario Building Code.

**20. Roofs and roof structures.**

- A. Every roof of a building and all its components shall be weather-tight and free from leaks, loose, unsecured or unsafe objects and materials, dangerous accumulation of ice and snow, and hazards.

- B. Roof decks, catwalks and related guards shall be maintained in good repair.
- C.
  - (1) Where a rain-water collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter and then into a down pipe that discharges directly into the building drain or not more than one hundred and fifty (150) millimetres above grade.
  - (2) Any above ground discharge from a downpipe or pipe shall be directed to discharge onto the property and in a manner so as not to cause damage to any property and to prevent hazardous conditions.
- D. Every eavestrough, roof gutter, flashing and downpipe shall be protected by a suitable finishing material and shall be maintained free from leaks, defects, obstructions and hazards, water tight and in good repair.
- E. All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.
- F. Chimneys, smoke or vent stacks and other similar roof structures and their supporting members shall be maintained in good repair and free from defects.

**21. Exterior openings, doors, windows and skylights.**

- A. Exterior openings.
  - (1) All exterior openings for doors and windows shall be fitted with doors or windows.
  - (2) Any other openings in an exterior wall of a building that are not protected by a door or window shall be kept weather tight, draft free, and protected by suitable materials to prevent the entry of rodents, vermin and insects.
  - (3) All exterior doors, windows, skylights and basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and free from defects and missing components.
- B. All windows in a dwelling unit that are capable of being opened shall be provided with screens.
- C. All windows capable of being opened and all exterior doors shall be free from defective hardware and be capable of being locked or otherwise secured from inside the building.
- D. Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.

- E. In every multiple-dwelling every window, any part of which is capable of being opened, that does not lead to a balcony and that is located two (2) metres or more above the finished grade of land upon which it faces, shall be equipped with a safety device to prevent the opening of any part of the window to a width greater than one hundred (100) millimetres.
- F. All windows in any common area of multiple-dwelling that are greater than two (2) metres above grade and do not lead to a balcony, must have a guard that complies with the Ontario Building Code, if the lower sill is less than one (1) metre from the floor.

**22. Garbage and debris storage and disposal.**

- A. Garbage and refuse shall be stored in receptacles and removed in accordance with other City by-laws.
- B. Every property shall be provided with a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants so as to contain all garbage, debris and trade waste.
- C. The receptacles shall be containers that are water tight, provided with a tight-fitting cover, rodent and pest proof, and shall be maintained in a clean state.
- D. If a garbage chute system was originally provided in a multiple-dwelling, the system shall be maintained operative.
- E. Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.
- F. The place for temporary storage and disposal of garbage and refuse shall be kept in a litter free and odour free condition, maintained in a manner that will not attract pests create a health or other hazard, or obstruct an emergency route, recreation facility, parking area, driveway or walkway.
- G. Where garbage and refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage place or place for disposal shall be screened.
- H. If an exterior bulk or roll-off container garbage disposal system is used, it shall be equipped with covers or similar devices that are easily opened, but shall not be left open, except when being loaded.
- I. Any exterior bulk or roll-off garbage disposal system shall be large enough to contain all garbage and refuse generated between collections and not be loaded beyond the top of the container.

**23. Steps, walks, driveways, parking and loading areas.**

- A. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be maintained in good repair so as to afford safe passage under normal use.
- B. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be cleared of snow and ice within twenty-four (24) hours of a snow fall to provide safe access and egress for persons and vehicles.
- C. A walk shall be provided from the principal entrance of every building to a public street, or to a driveway that provides access to a public street.
- D. All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
- E. Despite subsection D, if a non-residential property abuts a residential property, all the areas used for vehicular traffic or the parking or storage of a vehicle shall be surfaced with asphalt, concrete or interlocking stone.
- F. All areas of a yard that are used for vehicular traffic or the parking or storage of a 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.
- G. Any yards that have been previously covered with paving materials shall be repaired with materials of the same composition and consistent with the original materials.
- H. All areas of a property used for vehicular traffic or the parking or storage of a 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.

**24. Vacant buildings and property.**

- A. The owner of any unoccupied building or other vacant property shall protect the building or property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized persons.

- B. If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:
- (1) By covering all windows, doors and other openings in the building that provide a means of entry with plywood or an equivalent material that shall be securely fastened and tight fitting, and shall:
    - (a) Have a thickness not less than twelve (12) millimetres;
    - (b) Be fixed, if covering a wooden door or window frame, by steel wire nails of not less than fifty (50) millimetres in length and, if covering a metallic door or window frames, by self-tapping screws not less than thirty-eight (38) millimetres in length, and the nails or screws shall be spaced at intervals of not more than one-hundred-fifty (150) millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
  - (2) By blocking up all windows, doors and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.
- C. All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.
- D. Where a building remains vacant for a period of ninety (90) days or more, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the property or adjoining premises.
- E. A vacant property that is not a building shall be secured by fencing, wheel stops, bollards or similar devices to prevent unauthorized entry.

**25. Occupancy standards.**

- A. A room designed and intended for use as a non-habitable area shall not be used as a habitable area.
- B. No basement or cellar space shall be used as a dwelling unit or as a habitable room unless this use is otherwise permitted by law and complies with the other occupancy provisions in this By-law.
- C. The maximum number of persons living in a habitable room shall not exceed one (1) person for each nine (9) square metres of habitable room floor area.

- D. For the purposes of this section, the minimum height of a habitable room shall be one and ninety-five hundredths (1.95) metres over at least one half (1/2) the floor area and, for the purposes of Subsections E and F, any floor area under a ceiling that is less than one and four-tenths (1.4) metres in height shall not be counted in computing the required minimum floor area of a room used for sleeping.
- E. The minimum floor area of a room used by only one (1) person for sleeping shall be six (6) square metres with the room having a minimum dimension on one side of two (2) metres.
- F. The minimum floor area of a room used by two (2) or more persons for sleeping shall be four (4) square metres for each person so using the room.

**26. Floors, stairs and landings.**

- A. Every floor, stair, landing and every appurtenance, surface covering and finish attached to or laid upon it shall be maintained so as to properly perform its intended function and be reasonably smooth and level.
- B. Any repair, replacement or painting required by Subsection A shall be such that the material used shall have a finish and facing similar to that of the original covering.
- C. Floors and floor coverings shall be maintained free from any trip or other hazardous condition, and shall be kept in a clean and sanitary condition and free from holes, stains, rubbish and debris.
- D. Floors of rooms in which plumbing fixtures are installed shall be maintained to be reasonably impervious to water and in a condition that permits easy cleaning.

**27. Walls and ceilings.**

- A. Every wall and ceiling shall be maintained clean and free of holes, cracks and damaged and deteriorated surface material, and each repair shall be finished to reasonably match the existing walls or ceilings.
- B. Previously finished walls and other surfaces in public areas of property shall be maintained in good repair and shall be renewed or refinished, when necessary, to maintain a similar appearance.
- C. Marks, stains, graffiti, smoke damage, painted slogans, or other similar markings or defacements on previously finished walls and other surfaces in public areas of property shall be removed and the surface refinished.
- D. Where noxious fumes, odours or gases are, or could be present, all elements of separation shall be of gas-tight construction and maintained in a good state of repair

so as to effectively prevent the passage of noxious fumes, odours or gases through the separation.

**28. Doors, passageways and exits.**

- A. Doors, passageways and exits shall be maintained free from hazardous conditions, obstructions and impediments.
- B. Required or provided safety equipment relative to exits and means of egress, such as, but not limited to, door closures, coordinating devices, smoke seals and pressurized vestibules, latching devices, hinges, moulding and similar devices shall be maintained in good working order.
- C. Interior doors, their frames, glass panels, and hardware shall be maintained in good repair and all doors shall be of a good fit in their frames.
- D. All doors and hatches to the roof that provide access for the purpose of maintenance shall be kept locked at all times.

**29. Multiple-dwellings entrances and exits.**

- A. In multiple-dwellings where there is a shared entrance:
  - (1) Every door used as an entrance to or exit from the building shall be kept closed and locked and provided with self-closing and self-locking mechanisms, and the door shall not be secured in an open position except in an emergency situation; and
  - (2) Each dwelling unit shall be connected by a two-way voice communication system and security locking release mechanism to the principal entrance of the building, and:
    - (a) A principal entrance terminus of the system shall be located so as to be easily accessible from the exterior of the building when the door at the principal entrance is locked; and
    - (b) The communication system shall not identify a tenant by unit number.
- B. Communication systems between dwelling units and the entrance terminus and all security locking device and release mechanisms connected to the systems shall be maintained in good repair and in operative condition.
- C. Exit doors used as an exit from a multiple-dwelling shall be so arranged as to be readily opened without the use of a key in the direction of exit travel, and the exit doors shall be of a type easily identified and operated even in darkness.

- D. If doors connect dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, the doors shall have dead-bolt locks with a bolt throw of not less than twenty-five (25) millimetres, and the locks shall be protected with a solid or hardened free-turning ring or bevelled cylinder housing and be of a type that cannot be accidentally locked against entry by closing of the door.
- E. All devices and hardware required under Subsection D, including automatic door closers, shall be installed and maintained in good repair or replaced when removed.
- F. Subsection D does not apply to entrance doors equipped with electronic or electrical locking devices, entrance doors more than two (2) metres above the adjacent grade and not having direct access to grade via stairs, or exit doors not permitted by either the Ontario Fire Code or the Ontario Building Code to have a locking device.
- G. Doors shall afford the occupants of a dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
- H. Shared locker and storage rooms in multiple-dwellings shall be provided with a door, and equipped with a locking device controlling access, and the door shall be kept locked in a closed position except when access is being permitted.

**30. Ancillary rooms.**

- A. All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.
- B. Laundry rooms shall be provided with a sink or sinks, connected to hot and cold running water, and the laundry rooms shall be maintained in a clean and sanitary condition and all sinks shall be properly connected to the drainage system.
- C. All laundry rooms shall be provided with a trapped floor drain connected to the drainage system and capable of adequately draining the floor.

**31. Elevators.**

- A. Elevators shall be maintained in a clean condition and certified to be in good working order and in compliance with the Elevating Devices Act.
- B. All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

**32. Services and utilities.**

- A. No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing, or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- B. Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is not longer provided.

**33. Mail.**

- A. A mail box or mail receptacle shall be provided for each dwelling unit and must be maintained in good repair and in a secure condition at all times.
- B. If a mail slot provides direct access into a dwelling unit, it shall be designed or located so as to prevent access from the slot to unlock the doorknob or other locking device.
- C. Access to mail rooms shall be maintained in good repair to ensure the security of the mail

**34. Kitchen facilities.**

- A. Every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to water.
- B. The sink shall be provided with an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit.
- C. Each kitchen in a dwelling unit shall be provided with an approved, connected and operating gas or electrical supply for cooking and refrigeration purposes.
- D. Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.

**35. Electrical service and outlets.**

- A. Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.

- B. The capacity of the system of circuits and electrical outlets within a building shall be adequate for the intended use of all rooms and adequate electrical outlets shall be provided to prevent the need for extension cords or other extensions being used as a permanent wiring system.
- C. All electrical fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in good working order.

### **36. Lighting.**

- A. In this section, “minimum level of illumination” means the minimum level of illumination measured at floor level.
- B. Adequate artificial light required to maintain the minimum level of illumination shall be provided at all times.
- C. For the purposes of this By-law, the following minimum level of illumination shall apply:

<b>Location</b>	<b>Minimum Illumination Lux</b>	<b>Level of (Foot candles)</b>
(1) Exterior areas:		
Parking lots, walkways, stairs, porches, verandahs, loading docks, ramps and similar areas	10	(0.9)
(2) Passageways and stairways in areas of employment:		
(a) When in use	50	(4.6)
(b) Emergency and Fire Stairwells	10	(0.9)
(3) Areas used in common by the public or tenants:		
Public washrooms	100	(9.3)
Corridors, passageways, doorways and stairways	50	(4.6)
Service, utility and laundry rooms	200	(18.6)
Recreation rooms	100	(9.3)
Storage Rooms	50	(4.6)

(4) Parking or Storage Garages:

Driving aisles – mid line	50	(4.6)
Designated parking spaces – centre of	50	(4.6)

- D. Interior and exterior lighting fixtures and lamps shall be installed and maintained so that the work, operations or activities normally carried out in or about any part of the property can be undertaken in safety and without undue eye strain.
- E. All standards supporting artificial lights, lighting and the connections to lighting, shall be kept in a safe and clean condition, in good repair and in good working order.
- F. All lighting fixtures shall be protected from damage and, if necessary to protect the a lighting fixtures from damage, the lighting fixture shall be protected by the provision of wired glass or other suitable means of protection, and the fixtures and protective material shall be maintained in a clean condition.
- G. For purposes of subsection A, “floor level” means the lower surface of a room, but in the case of stairs means any area along the staircase, and in the case of an outdoor area includes ground level.

**37. Plumbing.**

- A. All plumbing, drain pipes, water pipes, plumbing fixtures and appliances shall be connected to a sewage system, and all these facilities and every connecting line to the sewage system shall be maintained in good working order, free from leaks or defects, protected from freezing and kept in a clean and sanitary condition.
- B. Every dwelling unit shall be provided with an adequate supply of potable and running, hot and cold water from a source approved by the City Medical Officer of Health.
- C. All hot water provided in a dwelling unit shall be supplied at a temperature of not less than forty-five degrees Celsius (45° C.) and not more than sixty degrees Celsius (60° C).
- D. Every dwelling unit shall be provided with at least one (1) water closet, one (1) wash basin, one(1) kitchen sink and one (1) bathtub or shower.
- E. All plumbing fixtures provided under Subsection D shall be connected with an adequate supply of potable, hot and cold running water, except that any water closet only needs to be connected to a cold water supply.
- F. A water closet equipped with adequate running water shall be installed, located and equipped to afford privacy.

- G. A properly connected wash basin shall be located in or adjacent to every room that contains a water closet or urinal.
- H. Basements or cellars that have concrete floors shall be provided with an adequate number of trapped floor drains that are maintained in good repair and connected to the sewage system.
- I. The trapped floor drains required under Subsection H shall be screened with a metal grill or other suitable material so as to effectively exclude rodents
- J. All toilet facilities and toilet rooms shall be kept clean and neat at all times.

**38. Heating and air conditioning.**

- A. Every heating and air conditioning system or unit shall be kept in good repair and maintained in good working condition at all times relevant to the operation of that system.
- B. Every dwelling and every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of twenty-one degrees Celsius (21° C.) at one and five-tenths (1.5) metres above the floor level in all habitable rooms, bathrooms and toilet rooms.
- C. Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment directly from the outside air.
- D. Auxiliary heaters shall not be used as a permanent source of heat.
- E. Fireplaces and other solid fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent that shall be installed and maintained in good repair.
- F. All air conditioning systems shall be operated from May 31 to September 29 to maintain an indoor temperature of not more than twenty-six degrees Celsius (26° C.).
- G. All air conditioners and other water-cooled equipment shall be equipped with proper devices for the prevention of condensation drainage or discharge onto sidewalks, walkways, driveways and entrance areas or other areas used for pedestrian or vehicular traffic.
- H. The devices provided under Subsection G shall be configured so as not to cause damage to the walls or foundations or other parts of a building.

### **39. Ventilation.**

- A. Adequate ventilation shall be provided to all areas of a building, and every ventilation system or unit shall be regularly cleaned, kept in good repair and maintained in good working condition at all times to ensure its proper operation.
- B. If a system of mechanical ventilation is used in a dwelling, the system shall be capable of completely changing the air in all rooms at least once per hour.
- C. Ventilation shall be provided and maintained for every sanitary convenience room, either by means of natural ventilation through openings directly to the outside air that are not less than nine-hundredths (0.09) square metres in size for each toilet and for each urinal, or by means of mechanical ventilation that is capable of completely changing the air in the room at least once per hour.
- D. If a system of mechanical ventilation is operated that exhausts noxious fumes, gases, dust or sawdust from a non-residential building, the discharge from the system shall terminate above the roof line of the building and not less than three (3.0) metres clear of any skylight, window, ventilation or other opening into a building, and the system shall be operated in such a way as not to constitute a nuisance.
- E. If noxious fumes or gases are or could be present in a mixed-use building, ventilation shall be provided to remove the noxious fumes or gases, and all surfaces separating the non-residential portion from the residential portion of the building shall be of gas-tight construction and maintained in a good state of repair to effectively prevent the passage of noxious fumes or gases through the separation.
- F. A parking or storage garage that has a capacity for more than five (5) 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 carbon monoxide monitoring devices that are located so as to provide full protection.
- G. Subsection F does not apply to an open-air storey of a parking or storage garage, if at least twenty-five percent (25%) of the total area of the perimeter walls of the storey is open to the outdoors in a manner that will provide cross ventilation to the entire storey.

### **40. Parking or storage garages.**

- A. The walls, floors, ceilings and columns of every parking or storage garage shall be maintained free of holes, breaks or cracks, and impervious to water.
- B. If a parking or storage garage has a common entrance and a capacity for more than five (5) 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 sixty (60) centimetres above floor level; and
  - (2) The remaining portion of the wall from floor level to a height of sixty (60) centimetres shall be painted black.
- C. No machinery, boats, 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.

**41. Garages doors; exit doors.**

- A. If a garage door allows for vehicular ingress or egress from a parking or storage area, and is equipped with an automatic closing mechanism, the garage door shall be equipped with a sensing device that does not allow the door to close when any person, animal or object is crossing its path.
- B. Except as provided in Subsection C, every parking or storage garage shall be served by not fewer than two (2) pedestrian exit doors.
- C. In a building of not more than two (2) storeys in building height, a parking or storage garage may be served by one (1) pedestrian exit door if:
  - (1) The floor area of the storage garage is two hundred (200) square metres or less;
  - (2) The maximum travel distance from any point within the parking or storage garage to the exit is twenty-five (25) metres or less; and
  - (3) The occupant load served by the exit is not more than sixty (60) persons.
- D. Every pedestrian exit door referred to in Subsection B:
  - (1) Shall be designed and installed to open in the direction of exit travel and shall swing on its vertical axis;
  - (2) Shall be provided with a reliable self-closing mechanism, and shall not at any time be secured in an open position;
  - (3) Shall be designed and installed so that, when the latch is released, the door will open easily in the direction of exit travel;
  - (4) Shall, except as permitted in Subsection D(5), be equipped with fastenings that allow the door to be readily opened from the inside without requiring keys, special devices or specialized knowledge of the door's opening mechanism; and

- (5) May incorporate an electromagnetic locking device that does not incorporate latches, pins or similar devices to keep the door in the closed position if the following conditions are met:
  - (a) The building is equipped with a fire alarm system conforming to the Ontario Building Code;
  - (b) The locking device is installed as an ancillary device to the fire alarm:
    - [1] Upon activation of the fire alarm signal;
    - [2] In the event of a power failure or ground fault; and
    - [3] Upon actuation of a manually operated switch accessible only to authorized personnel manning a central control facility at all times that the building is occupied;
  - (c) A manually-activated signalling box for the fire alarm system is located on the wall not more than six hundred (600) millimetres from the door;
  - (d) If upon release, the locking device must be reactivated manually by the actuation of the switch in Subsection D(5)(b)[3];
  - (e) A legible sign having the words EMERGENCY EXIT UNLOCKED BY FIRE ALARM is permanently mounted on the exit door; and
  - (f) The lettering on the sign required in Subsection D(5)(e) is twenty-five (25) millimetres high with a five (5) millimetre stroke.
- E. If more than one (1) 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 (1) exit door shall not be more than:
  - (1) Sixty-one (61) metres in any parking or storage garage that is an open parking or storage garage of not more than ten thousand (10,000) square metres in building area and where no alternative use is made above the garage;
  - (2) Forty-five (45) metres in any parking or storage garage that is equipped with a sprinkler system; and
  - (3) Thirty (30) metres in any parking or storage garage that is not equipped with a sprinkler system.
- F. In Subsection E, “travel distance” means the distance from any point in the floor area to an exit measured along the path of exit travel.

- G. Pedestrian exit doors shall be located and arranged so that they are clearly visible or their locations are clearly indicated and they are accessible at all times.
- 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 motor 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.
- I. If there is any conflict between Subsection H and the Ontario Fire Code or the Ontario Building Code, the Codes prevail.
- J. If an unlocked exit door required under this section does not exit directly to the outside of a building, the exit door must incorporate transparent panels over ninety percent (90%) of its surface unless it is also a fire door, in which case it must incorporate the maximum coverage of transparent panels allowed by the Ontario Building Code.
- K. If it is necessary to pass through a required unlocked exit door to obtain access to a locked entrance door to the building, all doors through which a person must pass or pass by from the first required unlocked exit door to the outside of the building, except the locked entrance door and the door opening directly to the outside, must incorporate transparent panels over ninety percent (90%) of their surfaces.
- L. If a door is required to incorporate transparent panels under Subsections J and K, the door shall conform to the requirements of the Ontario Building Code for transparent doorways and panels.

#### **42. Garage exit door signs.**

- A. For the purposes of this section, the following terms shall have the meaning indicated:

ALERT SIGN — The sign described in the diagram in Schedule A-1, at the end of this By-law.

LARGE SAFE-EXIT ARROW — The sign described in Schedule A-2, at the end of this By-law.

SAFE -EXIT DOOR — A door leading to or constituting a required exit from a storage garage required and installed under the Ontario Building Code Act, the

Ontario Building Code, 1992, any by-law respecting the construction of buildings passed under a predecessor of the Ontario Building Code Act, 1992 or this By-law.

**SAFE-EXIT ROUTE** — A route in the storage garage from the parking stalls to a safe-exit door having less than five (5) safe-exit route decision points.

**SAFE-EXIT ROUTE DECISION POINT** — The point along the safe-exit route where there is more than one option in the direction of travel.

**SMALL SAFE-EXIT ARROW** — The sign described in Schedule A-3, at the end of this By-law.

- B. In Schedules A-1, A-2 and A-3, if a paint colour number is provided, for example, “GRAY BODY (17178)”, the part of the sign indicated shall be coloured to match the colour indicated by that number in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck.
- C. Large safe-exit arrows shall be displayed on safe-exit doors one and five-tenths (1.5) metres above the floor, measured from the centre of the arrow to the floor, with the arrow pointing down.
- D. Where the placing of the arrows would have the effect of covering all or part of the glazed portion of an exit door, the arrow may be displayed in an alternate location if the location has been approved by the officer as meeting the general intent of this requirement.
- E. All parking or storage garages shall have safe-exit routes designated in accordance with the provisions of this By-law.
- F. Small safe-exit arrows shall be prominently displayed on columns or walls one and five-tenths (1.5) metres above the floor, measured from the centre of the arrow to the floor:
  - (1) At least every ten (10) metres along the safe-exit route;
  - (2) At all safe-exit route decision points along the safe-exit route; and
  - (3) Wherever a safe-exit route crosses a traffic aisle.
- G. A safe-exit door, the frame of a safe-exit door and the wall adjacent to the safe-exit door to a distance of one (1) metre on either side of the frame, and to a height of three (3) metres above the floor or to the soffit above the bulk head over the door shall be coloured green.
- H. Alert signs shall be prominently displayed on columns or walls two and one-tenths (2.1) metres above the floor, measured from the top of the sign to the floor, so that

there is one (1) alert sign for every twenty-five (25) parking stalls in the parking or storage garage, with the alert signs being evenly distributed in the parking or storage garage, but located not more than thirty (30) metres apart.

**ARTICLE V**  
**Transition and repeal.**

**43. Severability.**

Each section of this By-law is an independent section, and the holding of any section or part of it to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections or parts of it.

**44. Transition.**

- A. A by-law listed in Section 45 continues to apply for purposes of any notice or order given under the by-law until the work required by the notice or order is completed, or any other enforcement proceedings in respect of the notice or order have been concluded.
- B. Where a person is alleged to have contravened a by-law listed in Section 45 before the date this By-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.

**45. Repeal of By-laws need to add in full names.**

Except for the purposes set out in Sections (Committee section) and 44, the following are repealed:

- A. Former Corporation of the Borough of East York By-law No. 39-90, "To provide standards for the maintenance and occupancy of property in the Borough of East York.", as amended;
- B. Former Corporation of the City of Chapter 198, Property Maintenance and Minimum Standards of the Etobicoke Municipal Code.
- C. Former Corporation of the City of North York By-law No.
- D. By-law Nos. 2812-77, 2905-78 and 3180-95, all as amended, "To provide basic and uniform standards governing the condition and maintenance of properties in the City of York, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof."

CHECK OTHER TWO BY-LAWS

- E. Former Corporation of the City of Scarborough By-law No. 20483, ?being a by-law prescribing standards for the maintenance and occupancy of property.?, as amended as amended, of;
- F. By-law No. 31148, as amended, of the former Corporation of the City of North York;

Property Standards, By-law No. 31148

NEED ADD YORK CODE

- G. Chapter No. 198, as amended, of the Municipal Code of the former Corporation of the City of Etobicoke;

Chapter 198, Property Maintenance and Minimum Standards of the Etobicoke Municipal Code.

- H. Chapters 151, 210 and 264, as amended, of the Municipal Code of the former Corporation of the City of Toronto.

Municipal Code Chapter 210, Housing Standards

**Chapter 264, Property Maintenance (Articles under Special and General Acts)**

**45. Commencement.**

This By-law comes into force on \_\_\_\_\_, 2000.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2000.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_

Insert Table/Map No. 1  
Schedule A-1 Alert Sign

Insert Table/Map No. 2  
Schedule A-2 Large Safe-Exit Arrow

Insert Table/Map No. 3  
Schedule A-3 Small Safe-Exit Arrow

**CITY OF TORONTO**  
**Proposed Property Standards By-law – Comparison Chart**

Former City of York – By-law 3180-95

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Does not address encroachment on public property	Sec.11.	Requires landscaping to be maintained so as not to encroach on public property
<b>Impact:</b> Increases our ability to ensure public safety		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Only applied in buildings 4 stories or more and was installed at the request of the tenant	Sec.21.	Requires all windows in buildings containing more than 3 units to be secured with safety devices to prevent opening more than 100mm
<b>Impact:</b> Improves safety for non-resident (visiting) children.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for screening	Sec.22.	Requires exterior garbage storage areas to be screened
<b>Impact:</b> Ability to buffer adjoining properties from nuisance created by the storage of refuse.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for marking of spaces	Sec.23	Requires that parking spaces be marked
<b>Impact:</b> Facilitate enforcement and provide more orderly parking		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No certification required	Sec.30.	Requires elevators to be “certified to be in good working order”.
<b>Impact:</b> Enhances enforcement		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Required lighting levels based on average lighting levels with no minimum	Sec.36.	Required levels of lighting increased and also includes minimum levels instead of average level.
<b>Impact:</b> Higher degree of safety		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No minimum or maximum temperature specified	Sec.37.	Requires a minimum and maximum temperature for hot water of 45c to 60c
<b>Impact:</b> Establishes a minimum temperature for hot water, also higher safety to prevent scalding		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirements for air-conditioning	Sec.38.	Requires air-conditioning to be maintained and operating between May 31 to September 29 to maintain an indoor temp. of not more than 26c
<b>Impact:</b> Ensure adequate comfort level during extreme temperature ranges		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for sensing device	Sec.41.	Requires sensing device to prevent door from closing on any person, animal or object
<b>Impact:</b> Enhanced safety feature		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Less stringent safety features/requirements	Sec.41. Sec.42.	Additional safety features
<b>Impact:</b> Enhanced safety features for overhead vehicle doors		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>

**CITY OF TORONTO**  
**Proposed Property Standards By-law – Comparison Chart**

Former City of Etobicoke – Chapter 198

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Occupant responsible for maintenance in residential units. (where occupant has control) (198.7)	Sec 6	Occupant is responsible for maintenance in <b><u>all</u></b> buildings. (where occupant has control)
<b>Impact:</b> Interior of industrial and commercial properties will also have to be maintained.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Only window screens, at the written request of the tenant, were required to prevent pests	Sec.9.	Entire property is required to be kept free from rodents, vermin and other pests.
<b>Impact:</b> Control now encompasses entire property.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No provision regarding directing drainage away from buildings	Sec.11.	Requires grading to be such so as to direct drainage away from buildings
<b>Impact:</b> More encompassing		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Does not address encroachment on public property	Sec.11.	Requires landscaping to be maintained so as not to encroach on public property
<b>Impact:</b> Increases our ability to ensure public safety		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Made no provisions for protection from nuisances emanating from abutting properties	Sec.17.	Provides requirements for protecting property from nuisance such as debris and direct light from abutting properties
<b>Impact:</b> Capability to prevent nuisances		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Only applied where there were resident children	Sec.21.	Requires all windows of building containing 3 or more units to be secured with safety devices to prevent opening more than 100mm
<b>Impact:</b> Improves safety for non-resident (visiting) children.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for screening	Sec.22.	Requires exterior garbage storage areas to be screened
<b>Impact:</b> Ability to buffer adjoining properties from nuisance created by the storage of refuse.		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for marking of spaces	Sec.23	Requires that parking spaces be marked
<b>Impact:</b> Facilitate enforcement and provide more orderly parking		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for curb stops	Sec.23.	Requirement for curb stops
<b>Impact:</b> Prevents vehicles from damaging neighbouring properties		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Only required maintenance if installed	Sec.29.	Communication systems required in all multiple dwellings containing 3 of more units with shared entrances
<b>Impact:</b> Improved security for occupants		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement	Sec.29.	Communication systems not to identify tenant by unit number.
<b>Impact:</b> Improved security for tenants		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Sinks not required	Sec.30.	Requires laundry rooms to be equipped with sink(s) and hot/cold running water.
<b>Impact:</b> Enhanced laundry facilities		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No certification required	Sec.30.	Requires elevators to be “certified to be in good working order”.
<b>Impact:</b> Enhances enforcement		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No security requirements	Sec.33.	Requires better security for mail facilities
<b>Impact:</b> Improved security		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Required lighting levels based on average lighting levels with no minimum	Sec.36.	Required levels of lighting increased and also includes minimum levels instead of average level.
<b>Impact:</b> Higher degree of safety		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
Minimum of 43c, no maximum	Sec.37.	Requires a minimum and maximum temperature for hot water of 45c to 60c
<b>Impact:</b> Higher degree of safety to prevent scalding		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirements for air-conditioning	Sec.38.	Requires air-conditioning to be maintained and operating between May 31 to September 29 to maintain an indoor temp. of not more than 26c
<b>Impact:</b> Ensure adequate comfort level during extreme temperature ranges		

<u>Old Requirement</u>	<b>New Section</b>	<b>New Requirement</b>
No requirement for sensing device	Sec.41.	Requires sensing device to prevent door from closing on any person, animal or object
<b>Impact:</b> Enhanced safety feature		

Old Requirement	New Section	New Requirement
Less stringent safety features/requirements	Sec.41. Sec.42.	More detailed safety features with respect to lighting and delineation of safe egress / ingress
<b>Impact:</b> Enhances overall visibility/safety of underground garage		

CITY OF TORONTO  
**Proposed Property Standards By-Law – Comparison Chart**

**Former Borough of East York By-law 39-90, as amended**

Old Requirement	New Section	New Requirement
No existing section.	10(E)	Firewood for domestic use may be stored in a rear yard provided...
<b>Difference:</b>		
<b>Impact:</b> No impact. Provides specific standards for storage of firewood and differentiates between loose wood.		

Old Requirement	New Section	New Requirement
Any vehicle or trailer that does not properly display thereon a valid and current licence plate or marker therefore shall, for the purposes of this By-law be deemed to be in a discarded, inoperative or abandoned condition.	10(D)	Prohibits wrecked, discarded, dismantled or inoperative vehicles.
<b>Difference:</b>		
<b>Impact:</b> None, the new Clean Yards By-law will deal with abandoned or inoperative vehicles.		

Old Requirement	New Section	New Requirement
No existing section	17	Buffering
<b>Difference:</b>		
<b>Impact:</b> No impact. New section provides added provisions for privacy from conditions which may cause a nuisance.		

Old Requirement	New Section	New Requirement
No existing section	18C	Marking, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on all exterior surfaces shall be removed and, where deemed necessary by the Officer, the surface of these areas shall be restored, resurfaced and colour co-ordinated to the exterior finish of the building or structure.
<b>Difference:</b>		
<b>Impact:</b> No impact. The new section provides for enhanced clean up requirements of exterior surfaces		

Old Requirement	New Section	New Requirement
No existing section	20(B)	Roofdecks, catwalks and related guards shall be maintained in good repair.
<b>Difference:</b>		
<b>Impact:</b> Little impact. Additional requirement provides more efficient and absolute definition to roof structures and their components.		

Old Requirement	New Section	New Requirement
No existing section	21(B)	All windows, designed to be opened, in a dwelling unit, shall be provided with screens.
<b>Difference:</b>		
<b>Impact:</b> No impact. Addresses screen requirements directly.		

Old Requirement	New Section	New Requirement
Window safety devices.	21(E)	Window safety devices for buildings containing 3 or more units.
<b>Difference:</b> Minor differences respecting height above grade.		
<b>Impact:</b> Existing by-law required a tenant to request devices. New by-law requires them to be put in by owner.		

Old Requirement	New Section	New Requirement
Window safety devices...	21(F)	Window safety devices for windows in common area of multiple dwelling buildings containing 3 or more units...
<b>Difference:</b> Minor differences respecting guards not leading to a balcony		
<b>Impact:</b> No impact. Guards are required in accordance with the Building Code.		

Old Requirement	New Section	New Requirement
No existing section.	22(D)	Where a garbage chute system was originally provided in a multiple-dwelling, the system shall be maintained operative.
<b>Difference:</b>		
<b>Impact:</b> Requires owner to maintain garbage chutes. Protects tenants from landlords who would otherwise remove all chutes and require tenants to bring garbage to disposal bin outside.		

Old Requirement	New Section	New Requirement
No existing section.	22(H)	Where an exterior bulk or roll-off container garbage disposal system is used, it shall be equipped with covers or similar devices which shall be readily openable ...
<b>Difference:</b>		
<b>Impact:</b> No impact. Provides a more prescribed definition.		

Old Requirement	New Section	New Requirement
No existing section	23C	A walk shall be provided from the principal entrance of every building to a public street, or to a driveway affording access to a public street.
<b>Difference:</b>		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
No existing section.	23(F)(4)	...provided with suitable markings to indicate parking spaces and such marking shall be maintained so as to be clearly visible.
<b>Difference:</b>		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
Parking areas shall be provided with secured curb stops or other restraining devices to prevent vehicles from damaging fences, etc ...	23(H)	Parking spaces also require curb stops, or other restraining devices to prevent vehicles from causing injury to persons or damage to property.
<b>Difference:</b>		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
Where any property is unoccupied...	24(A)&(B)	The owner of any unoccupied building and property shall...
<b>Difference:</b> Thickness of plywood. Specific fastening devices. Specific screws sizes, etc.		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
No existing section.	24(E)	A vacant property shall be secured by fencing, wheel stops or bollards or similar devices, to prevent unauthorized entry.
<b>Difference:</b>		
<b>Impact:</b> No impact. Provides further security measures for vacant properties/buildings.		

Old Requirement	New Section	New Requirement
Human Habitation	25	Occupancy Standards
<b>Difference:</b> Minor differences regarding room sizes per person and ceiling heights		
<b>Impact:</b> Little impact. New provisions reference the Building Code.		

Old Requirement	New Section	New Requirement
Dead bolt locks...	28	Doors connecting dwelling units to the exterior or to an entrance ...
<b>Difference:</b> Specific hardware requirements.		
<b>Impact:</b> Little impact. Specific requirements enhance security provisions		

Old Requirement	New Section	New Requirement
No existing requirement	28(D)	All doors and hatches to the roof providing access for the purpose of maintenance shall be kept locked at all times.
<b>Difference:</b>		
<b>Impact:</b> No impact. Provides for extra security.		

Old Requirement	New Section	New Requirement
Dwellings containing more than 4 units must have a voice communication system.	29(A)(2)	Building containing 3 or more units must have a voice communication system.
<b>Difference:</b> Buildings having more 2 or more units will be required to comply.		
<b>Impact:</b> Provided a greater degree of safety for occupants of units.		

Old Requirement	New Section	New Requirement
Washing machines and plumbing fixtures are provided, they shall be maintained in good work order ...	30(B)	Laundry rooms shall be provided with a sink or sinks, connected to hot and cold running water...
<b>Difference:</b> Existing by-law does not require water to be supplied to sink(s) in laundry rooms.		
<b>Impact:</b> Little impact. Some building owners have removed taps due to misuse. New requirement will require owners to replace them.		

Old Requirement	New Section	New Requirement
No existing requirement	30C	All laundry rooms shall be provided with a trapped floor drain connected to the drainage system and capable of adequately draining the floor.
<b>Difference:</b>		
<b>Impact:</b> Little impact. Requirements provided for by the Building Code.		

Old Requirement	New Section	New Requirement
No requirement	33	Where a mail slot is provided directly into a dwelling unit, it shall be designed or located so as to prevent access from such slot to unlock the doorknob or other locking device.
<b>Difference:</b>		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
Various section throughout by-law	36	Lighting
<b>Difference:</b> Little difference in requirement for a minimum level of illumination in all areas which require lighting		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
No existing requirement	36(E)	Standards supporting artificial lights and all lighting and the connection thereto, shall be kept in a safe condition ...
<b>Difference:</b>		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
No requirement	38	All air conditioning systems shall be operated from May 31, to September 29 to maintain an indoor temperature of not more than twenty-six degrees Celsius (26° C.).
<b>Difference</b>		
<b>Impact:</b> Requires not only that A/C be maintained, but has to operate at a minimum level of efficiency.		

Old Requirement	New Section	New Requirement
Each toilet room shall be provided with natural or mechanical ventilation maintained in good working order.	39C	Ventilation shall be provided and maintained for every sanitary convenience room, either by means of natural ventilation through openings directly to the outside air having a minimum size of .09 square metres for each toilet and for each urinal, or by means of mechanical ventilation which is capable of completely changing the air in the room at least once per hour.
<b>Difference:</b> New section has specific requirement for size and testing air changes.		
<b>Impact:</b> OBC specifies requirement for new construction only.		

Old Requirement	New Section	New Requirement
No existing requirement	39(D)	Mechanical ventilation from a non-residential shall discharge from a system above roof line not less than 3 metres of any skylight, etc. ...
<b>Difference:</b>		
<b>Impact:</b> OBC provides for requirement of new construction only.		

Old Requirement	New Section	New Requirement
No existing requirement	39(E)	In mixed-use buildings wherein noxious fumes could be present ventilation shall removed such fumes and all surfaces separating the non-residential portion shall be of gas-tight construction ...
<b>Difference:</b> Requires specific ventilation for to prevent noxious fumes from entering home.		
<b>Impact:</b>		

Old Requirement	New Section	New Requirement
Ventilation, as required by the building Code, as amended, from time to time, shall be provided to all rooms and spaces within a building to prevent accumulations of heat and contaminants likely to create a potential fire, explosion, toxic or health hazards.	39(F)	A parking or storage garage shall have a mechanical ventilation system capable of providing a supply of fresh air and any such system shall remain on at all times unless otherwise controlled automatically by carbon monoxide monitoring devices which are location so as to provide full protection.
<b>Difference:</b> Requirement of carbon monoxide monitoring devices		
<b>Impact:</b> No impact. Fire Code provides for the requirement of carbon monoxide detectors		

Old Requirement	New Section	New Requirement
Painting of parking or storage garages.	40(B)	Painting of parking or storage garages.
<b>Difference:.</b> The new requirement requires that the garage be painted white above the 4 foot level. The lighting level will be higher.		
<b>Impact:</b> Greater safety for occupants.		

Old Requirement	New Section	New Requirement
No existing requirement	41(A)	Automatic garage door safety devices.
<b>Difference:</b>		
<b>Impact:</b> Greater level of safety		

Old Requirement	New Section	New Requirement
No existing requirement	41(B)-(L)	Parking or storage garage pedestrian doors.
<b>Difference:</b>		
<b>Impact:</b> New construction requirements of OBC & Fire Codes. Existing structures required to be brought up to today's standards.		

Old Requirement	New Section	New Requirement
No existing requirement	42	Provision requires the use of large safe exit arrows in parking garages.
<b>Difference:</b>		
<b>Impact:</b> The provision will ensure that the direction to exits are clearly visible to persons using garage.		

Old Requirement	New Section	New Requirement
No existing requirement	42	All parking or storage garages shall have safe-exit routes designated in accordance with the provisions of this by-law
<b>Difference:</b>		
<b>Impact:</b> No impact. Added safety measures.		

Old Requirement	New Section	New Requirement
No existing requirement	42	Small safe-exit arrows.
<b>Difference:</b>		
<b>Impact:</b> No impact. Added safety measures.		

Old Requirement	New Section	New Requirement
No existing requirement	42	Safe-exit door and frame colour specific requirements
<b>Difference:</b>		
<b>Impact:</b> No impact. Added safety measures.		

Old Requirement	New Section	New Requirement
No existing requirements	42	Alert signs requirements
<b>Difference:</b>		
<b>Impact:</b> New safety measures to protect occupants and visitors.		

Old Requirement	New Section	New Requirement
Locker and storage rooms which contain perishables shall be heated		No new section
<b>Difference:</b>		
<b>Impact:</b> Little impact. New bylaw requires heating of habitable spaces and does not specifically reference locker and storage areas. Storage locked are not intended for perishables.		

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CITY OF TORONTO  
**Proposed Property Standards By-law – Comparison Chart**

*Former City of North York By-law 31148, as amended*

Old Requirement	New Section	New Requirement
No Requirement	10(E)	Standards for the outside storage of firewood.
<b>Difference:</b> This is a new provision.		
<b>Impact:</b> Gives the City better control on the storage of firewood.		

Old Requirement	New Section	New Requirement
No Requirement	11(F)	Regulates fences, hedges, etc. to prevent obstructions to sight, fire hydrants, etc.
<b>Difference:</b>		
<b>Impact:</b> Gives the City better control over obstructions or visual hazards.		

Old Requirement	New Section	New Requirement
Screening of garbage containment areas	22	Requirement still applies to minimize the visual impact on the community.
<b>Difference:</b> None		
<b>Impact:</b> Protects neighbouring communities from effects of the outside storage of garbage.		

Old Requirement	New Section	New Requirement
Exterior doors must be free from defects and missing weather stripping.	21(A)(2)	Doors must be weather tight, draft free, and protected to prevent entry of rodents, vermin and insects
<b>Difference:</b> Expands requirement to help prevent drafts and infestations		
<b>Impact:</b> Improves protection for occupants of dwellings		

Old Requirement	New Section	New Requirement
Windows in dwelling units having children 10 years old or under must have safety devices on windows.	21(E)	All windows on multiple dwellings buildings containing 3 or more units must have safety devices on windows.
<b>Difference:</b> Requirement expanded to all units within a building.		
<b>Impact:</b> This change will provide a higher degree of safety in apartment buildings. Accidents can happen in a unit where there is a child visiting on a temporary basis. This will help to eliminate that possibility.		

Old Requirement	New Section	New Requirement
Vacant land shall be protected against unauthorized entry, and risk of fire, accident or other damage.	24	Proposed section similar but gives owners specific choices (fencing, wheel stops, bollards, or similar devices) to prevent entry or hazards.
<b>Difference:</b> More specific in nature		
<b>Impact:</b> Little impact		

Old Requirement	New Section	New Requirement
Dwellings containing more than 10 units must have a voice communication system.	29(A)(2)	Building containing 3 or more units must have a voice communication system.
<b>Difference:</b> Buildings having more 2 or more units will be required to comply.		
<b>Impact:</b> Provided a greater degree of safety for occupants of units.		

Old Requirement	New Section	New Requirement
Requires a calculated average levels of illumination	36	Requires specified minimum that are acceptable in all areas.
<b>Difference:</b> More specific and easier to enforce		
<b>Impact:</b> Better lighting requirements resulting in safer buildings.		

Old Requirement	New Section	New Requirement
No requirement for basement floor drains	37(H)	Requires adequate number of basement floor drains to connected to sewage system.
<b>Difference:</b>		
<b>Impact:</b> Intended to prevent water collecting in basement area.		

Old Requirement	New Section	New Requirement
Requires adequate air supply.	38(C)	Requires furnace rooms and boiler rooms to be supplied with outside air.
<b>Difference:</b> Higher standard		
<b>Impact:</b> Ensures adequate air supply.		

Old Requirement	New Section	New Requirement
No Requirement	38(F)	All buildings having air conditioning must ensure a room temperature of no more than 26 C.(approx. 79 F) from May 31 to Sept. 29
<b>Difference:</b> New requirement		
<b>Impact:</b> This provision will ensure that where air conditioning is available, it will be kept maintained and operating to provide a minimum comfort level for occupants of buildings during the summer.		

Old Requirement	New Section	New Requirement
No requirement	41(A)	Automatic garage doors require sensing device that will not allow door to close when a person, animal or other object is crossing its path.
<b>Difference:</b> New		
<b>Impact:</b> Protection for tenants or visitors to buildings.		

Old Requirement	New Section	New Requirement
New Requirement	42	Safety and directional signs required for underground garages.
<b>Difference:</b> New provision.		
<b>Impact:</b> Added safety and security measures for occupants and visitors.		

Old Requirement	New Section	New Requirement
New Requirement	41(B)-(D)	Minimum exit requirements based on floor area for parking or storage garages. Visibility of doors improved by signs. Glass panels required on all unlocked exit doors for increased visibility.
<b>Difference:</b> New provision.		
<b>Impact:</b> Added safety and security measures for occupants and visitors.		

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CITY OF TORONTO  
Proposed Property Standards By-law – Comparison Chart

*Former City of Scarborough By-law 20483*

Old Requirement	New Section	New Requirement
No existing section	6(E)	Occupant is made responsible for keeping unit clean; co-operating with landlord and complying with occupancy maximums.
<b>Difference:</b> Existing by-law requirements directed to owner of building.		
<b>Impact:</b> Occupant will now be responsible under by-law for the cleanliness of unit and co-operation with landlord to effect repairs.		

Old Requirement	New Section	New Requirement
No requirement	10(E)	Storage of firewood restricted to rear yards and limited in amount (15% of yard area) and height (1.5 metres).
<b>Difference:</b>		
<b>Impact:</b> The clause is intended to lessen the visual impact upon abutting properties.		

Old Requirement	New Section	New Requirement
No provision	11(F)	Fences, shrubs, trees and plant materials are regulated respecting sight lines and pedestrian and vehicular safety.
<b>Difference:</b>		
<b>Impact:</b> This section is expected to compliment existing regulations in road allowance by-laws.		

Old Requirement	New Section	New Requirement
These two sections deal with the protection of a fence with preservatives and the situation where a fence is unsightly.	13	Required all fences to be in good repair and in a structurally sound condition.
<b>Difference:</b>		
<b>Impact:</b> no impact		

Old Requirement	New Section	New Requirement
Retaining walls shall be painted or treated with preservative.	16	Required all building and structure to be in a structurally sound condition to prevent the entry of moisture.....
<b>Difference:</b>		
<b>Impact:</b> Little impact. General maintenance provisions in the new by-law are sufficient to address the issue.		

Old Requirement	New Section	New Requirement
No provision	17	The section provides for the installation of barriers to prevent dumping on property.
<b>Difference:</b>		
<b>Impact:</b> This section will recognize a common practice, which the division currently utilizes in dealing with unauthorized dumping on private property.		

Old Requirement	New Section	New Requirement
Masonry cracks in retaining walls shall be grouted.	18(A)	Exterior walls shall be maintained in good repair, weather tight, and free from loose or unsecured objects and material.
<b>Difference:</b> more general in nature, but same intent.		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
No specific provision relating to guards on	19(B)	Retaining walls over 600mm must

retaining walls.		be protected by a guard at a minimum height of 1070mm.
<b>Difference:</b> The existing by-law required guards in accordance with the Building Code while the new provision is specific.		
<b>Impact:</b> No impact.		

Old Requirement	New Section	New Requirement
No specific provision relating to guards in front of windows.	21(E) (F)	Guards are required on windows of multiple dwellings containing 3 or more units and guards required on windows in common areas which are less than a metre from the floor and in excess of 2 metres above grade.
<b>Difference:</b> The existing by-law required guards in accordance with the Building Code while the new provision is specific.		
<b>Impact:</b> No Impact.		

Old Requirement	New Section	New Requirement
All refuse shall be stored inside the enclosing walls of a building when the refuse is stored for disposal through food manufacturing or processing or by a restaurant, hotel, motel, banquet hall, cafeteria, or other establishment engaged in the serving of meals to the public in consideration of payment therefor, except that this requirement shall not apply to any establishment engaged exclusively in the packaging or warehousing of food products where no food products refuse results from such operation.	22	New provision deals with a wide range of issues concerning garbage storage facilities.
<b>Difference:</b> Garbage may be stored outside provided it is screened.		
<b>Impact:</b> Little impact is anticipated. Owing to property configurations, some businesses may not be able to comply with the screening provisions of the by-law resulting in appeals.		

Old Requirement	New Section	New Requirement
No provision.	22(B)	Non-residential properties and mix

		use properties required to provide refuse containers for use by the public.
<b>Difference:</b>		
<b>Impact:</b> This section will address a common problem throughout the district and will allow the division to insist upon the provision of refuse containers.		

Old Requirement	New Section	New Requirement
This section describes situations where the screening of refuse or bins is not required.	22(G)	Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage and place for disposal shall be screened.
<b>Difference:</b> No exceptions are provided.		
<b>Impact:</b> If situations arise where screening is not practical, then the only exemption process available is through an appeal to the Property Standards Appeal Committee.		

Old Requirement	New Section	New Requirement
No specific provision	24(B)	Property owners are required to protect and secure vacant buildings. Standards for board ups established.
<b>Difference:</b> This issue is currently addressed under By-law 24222.		
<b>Impact:</b> Little impact anticipated.		

Old Requirement	New Section	New Requirement
No specific provision.	24(D)	Buildings vacant more than 90 days must have supplied utilities secured or disconnected.
<b>Difference:</b>		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
No provision.	24(E)	Vehicular access to vacant properties to be restrict by use of bollards, fencing or similar devices.
<b>Difference:</b> This issue is currently regulated by By-law 24222.		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
No specific provision.	25(D)	Minimum height established for habitable rooms.
<b>Difference:</b> Current by-law regulates issue by reference to the Building Code.		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
No provision.	25(E)	Provision establishes minimum bedroom floor area for one person.
<b>Difference:</b>		
<b>Impact:</b> This section will compliment the section dealing with the maximum persons permitted by total habitable room floor area.		

Old Requirement	New Section	New Requirement
No provision.	25(F)	Provision establishes minimum bedroom floor area for two or more persons.
<b>Difference:</b>		
<b>Impact:</b> This section will compliment the section dealing with the maximum persons permitted by total habitable room floor area.		

Old Requirement	New Section	New Requirement
Buildings containing more than (10 units before May 11/92) (5 units after May 11/92) must have a voice communication system.	29(A)(2)	Building containing 3 or more units must have a voice communication system.
<b>Difference:</b> Buildings having more 2 or more units will be required to comply.		
<b>Impact:</b> Provided a greater degree of safety for occupants of units.		

Old Requirement	New Section	New Requirement
No Requirement	38(F)	All buildings having air conditioning must ensure a room temperature of no more than 26 C.(approx. 79 F) from May 31 to Sept. 29
<b>Difference:</b> New requirement		
<b>Impact:</b> This provision will ensure that where air conditioning is available, it will be kept maintained and operating to provide a minimum comfort level for occupants of buildings during the summer.		

Old Requirement	New Section	New Requirement
No provision.	40(B)	Parking garages required to be painted white with the first 60cm of wall height painted black.
<b>Difference:</b>		
<b>Impact:</b> The requirement for white walls will improve visibility in the garage. Lighting levels should improve.		

Old Requirement	New Section	New Requirement
No provision.	41(A)	Safety devices required on automatic garage door closers.
<b>Difference:</b>		
<b>Impact:</b> Most new residential garage door closers provide for a sensing device to protect against accidental injury. This provision will be standard for all garage doors.		

Old Requirement	New Section	New Requirement
No provision	42	Provision requires the use of large safe exit arrows in parking garages.
<b>Difference:</b>		
<b>Impact:</b> The provision will ensure that the direction to exits are clearly visible to persons using garage.		

Old Requirement	New Section	New Requirement
No provision.	42	Provision requires the use of small safe exit arrows in parking garages.
<b>Difference:</b>		
<b>Impact:</b> The provision will ensure that the direction to exits are clearly visible to persons using the garage.		

Old Requirement	New Section	New Requirement
Except as permitted in Subsection 5.7.2, all buildings, when the municipal sewers are available, shall be connected to the municipal sewers unless adequate municipal sewage capacity as determined by good engineering practice, is not available.	37(A)	No similar provision however new provision states that all plumbing shall be connected to the sewage system.
<b>Difference:</b>		
<b>Impact:</b> Little impact. Section 2.22.1 provides remedy if the system is faulty or inoperative.		

Old Requirement	New Section	New Requirement
Single family dwellings exempted from connecting to municipal sewage systems unless the private system is ponding or creating an odour or pollution.	37(A)	Provision however states that all sewage systems shall be maintained in working order.
<b>Difference:</b>		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
Lockers and storage rooms containing perishables shall be heated.		No provision.
<b>Difference:</b> The new by-law requires heating in habitable spaces. No specific reference to particular areas.		
<b>Impact:</b> Little impact.		

Old Requirement	New Section	New Requirement
Occupied space to be acoustically insulated from noise and vibration from building systems.		No provision.
<b>Difference:</b>		
<b>Impact:</b> The noise by-law contains provisions to deal with this issue.		

Old Requirement	New Section	New Requirement
Unsafe conditions included a number of fire safety issues including separations and maintenance of fire fighting equipment.		No provision
<b>Difference:</b>		
<b>Impact:</b> Little impact. Fire safety issues are regulated under the Fire Code and administered by Fire Prevention.		

Old Requirement	New Section	New Requirement
Regulates the securing and removal of refrigerator & freezer doors and the protection against other hazards.		No provision.
<b>Difference:</b>		
<b>Impact:</b> The issue of urgent hazards will be dealt with by way of separate by-law.		

Old Requirement	New Section	New Requirement
Subsoil drains required for retaining walls.		No provision.
<b>Difference:</b>		
<b>Impact:</b> Little impact. Construction regulated by the Building Code.		

Old Requirement	New Section	New Requirement
All refuse shall be stored inside the enclosing walls of a building when the building is a retail commercial use exceeding 1400 square metres in gross floor area.		No provision.
<b>Difference:</b> Garbage may be stored outside provided it is screened.		
<b>Impact:</b> Little impact is anticipated. Owing to property configurations, some businesses may not be able to comply with the screening provisions of the by-law resulting in appeals.		

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CITY OF TORONTO  
Proposed Property Standards By-law – Comparison Chart

*Former City of Toronto Chapter 210*

Old Requirement	New Section	New Requirement
Owner obligation	4A	No person shall use, occupy, permit the use or occupancy of any property that does not comply with the by-law.
Difference: <b>Old Requirement</b> referred to this as being an owner obligation only- now it is a general obligation.		
<b>Impact:</b> Possible wider target range of contravenors.		

Old Requirement	New Section	New Requirement
New	4B	Basement units must comply with egress, lighting, ventilation and ceiling height requirements.
Difference: <b>Inserted under General Duties/Obligations -more direct with respect to regulation of basement units.</b>		
<b>Impact:</b> Restricts the use of basement unless it complies with property standards by-law, the Ontario Fire and Building Codes.		

Old Requirement	New Section	New Requirement
New	5A	Owner must eliminate any unsafe condition
Difference: <b>The previous by-law did not address the fact directly that the “owner is to rectify unsafe conditions.”</b>		
<b>Impact:</b> Unsafe conditions addressed in writing.		

Old Requirement	New Section	New Requirement
New	5B	Appliances must be maintain by the owner
Difference: <b>Equipment/Appliances to be maintained-never an issue in the old city.</b>		
<b>Impact: Landlords to be schooled that they are now responsible for the maintenance of refrigerators / stoves etc.</b>		

Old Requirement	New Section	New Requirement
New	6C	Washrooms must be kept clean and sanitary
Difference: <b>The occupants will take on the burden of keeping their washrooms and fixtures clean.</b>		
<b>Impact: Occupant Responsibility Further Addressed</b>		

Old Requirement	New Section	New Requirement
New	6E & 6G	Occupant to co-operate with landlord and eliminate and unsafe condition under their control.
Difference: <b>Occupant must co-operate with landlord and occupant responsibility for unsafe conditions addressed.</b>		
<b>Impact: Occupant Responsibility Further Addressed</b>		

Old Requirement	New Section	New Requirement
New	8	If two by-laws conflict, higher standard prevails.
Difference: <b>Conflicts in City by-laws. Which will prevail?</b>		
<b>Impact: The new requirement proclaims that the by-law with the highest standard of protection for the health, safety and welfare of persons will prevail.</b>		

Old Requirement	New Section	New Requirement
New	10A	Permits the lawful storage of goods in non-residential property.
Difference: <b>Storage of goods on non-residential properties.</b>		
Impact: Storage of goods, required in a lawful non-residential use, is acceptable.		

Old Requirement	New Section	New Requirement
New	10C	Property must be kept clear of dilapidated structures
Difference: <b>Dilapidated or Unfinished Structures</b>		
Impact: <b>Are to be removed.</b>		

Old Requirement	New Section	New Requirement
New	10D	Wrecked or inoperative vehicles or parts thereof must be removed.
Difference: <b>Storage of vehicles, mech. Equipment, boats, and trailers that are in sound condition.</b>		
Impact: <b>Cannot be stored or left in yard unless lawfully permitted to do so.</b>		

Old Requirement	New Section	New Requirement
New	10E	Regulates the storage of firewood.
Difference: <b>Storage of firewood not previously regulated</b>		
Impact: <b>Firewood is addressed to regulate amount stored, height of storage and location of storage from lot line.</b>		

Old Requirement	New Section	New Requirement
New	11B	Grass must be kept at a height of no more than 20cm (8")
Difference: <b>Height of Living Grass</b>		
Impact: <b>Height of grass is to be not more than 20 cm.</b>		

Old Requirement	New Section	New Requirement
New	11F	Trees, and other plants must be maintained so as not to cause sight obstructions.
Difference: <b>Planting and maintaining of trees, hedges, shrubs etc. as well as the erection of a fence.</b>		
<b>Impact: Subject to community safety standards as described.</b>		

Old Requirement	New Section	New Requirement
New	11C, D & E	Prohibits overgrowth, weeds or dead or decayed limbs.
Difference: <b>Plant and tree maintenance.</b>		
<b>Impact: This section describes the maintenance of shrubs and hedges, heavy undergrowth, weeds, dead, diseased, decayed, or damaged trees, plants, limbs and branches.</b>		

Old Requirement	New Section	New Requirement
New	11G	All catchbasins, storm drains, ditches and swales shall be maintained free from defects and obstructions.
Difference: <b>Catch-basins, storm drains and swales</b>		
<b>Impact: Not to be obstructed to prevent ponding or flooding.</b>		

Old Requirement	New Section	New Requirement
More specific on what must be done with retaining walls.	14	Retaining walls shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.
Difference: <b>Maintenance of Walls</b>		
<b>Impact: New Requirement does not include the specific maintenance requirements of old requirement. Impact is minimal as workmanship standards are included in the by-law.</b>		

Old Requirement	New Section	New Requirement
New	15	Signs or sign structures must be maintained or removed.
Difference: <b>Signs</b>		
<b>Impact: Provides for the maintenance and removal of signs.</b>		

Old Requirement	New Section	New Requirement
New	17	Required buffer against nuisances
Difference: <b>Buffering Properties</b>		
<b>Impact: Specifications for the buffering of nuisance properties from all other neighbouring properties.</b>		

Old Requirement	New Section	New Requirement
New	18D	All attachments to walls must be maintained in good repair.
Difference: <b>Attachments to Walls</b>		
<b>Impact: Maintain attachments to walls, including but not limited to stairways and air conditioners.</b>		

Old Requirement	New Section	New Requirement
Guards only required if elevation more than 1m.	19B	Retaining walls greater than 600mm require guards.
Difference: <b>Guards</b>		
<b>Impact: Where there is a difference in elevation of greater than 600mm, a guard 1.7m in height is to be installed. The old requirement indicated a difference of 1.0m in elevation.</b>		

Old Requirement	New Section	New Requirement
Specific on requirements for guards and handrails	19C	Handrails and guards to comply with Ontario Building Code
Difference: <b>Specifics of Guard and Handrail Requirements</b>		
<b>Impact: Old requirements now removed. Guards and handrails to be installed in accordance with the Ontario Building Code.</b>		

Old Requirement	New Section	New Requirement
Roof decks and guards require guards	20B	Roof decks and catwalks also require guards.
Difference: <b>Addresses the maintenance of roof decks, catwalks and guards</b>		
<b>Impact: Roof top safety.</b>		

Old Requirement	New Section	New Requirement
Roof water shall not discharge into stairway of adjacent properties.	20C (2)	Any above ground discharge from a downpipe or pipe shall be directed to discharge onto the property and in a manner so as not to cause damage to any property and to prevent hazardous conditions.
Difference: <b>Option given to discharge rain water at a height of 150 mm above grade or less.</b>		
<b>Impact: Above option viable only if it does not cause damage to <u>any</u> property and only if done in a way to prevent hazardous conditions.</b>		

Old Requirement	New Section	New Requirement
New	20E	Aerials, satellite dishes, ... must be kept in a safe condition and in good repair.
Difference: <b>Requirements for the maintenance of aerials, satellite dishes, lightning arrestors.</b>		
<b>Impact: Direct reference.</b>		

Old Requirement	New Section	New Requirement
No specific section	20(F)	Chimneys, smoke or vent stacks .... must be maintained in good repair.
Difference: <b>Chimney, smoke or vent stacks are directly addressed.</b>		
<b>Impact: This was covered before, but there is no ambiguity now.</b>		

Old Requirement	New Section	New Requirement
New	21(B)	All windows capable of being opened must have screens.
Difference: <b>In a dwelling unit, windows that open require a screen.</b>		
<b>Impact: Previously, screens were to be replaced or repaired. Needed for preventing entry of insects' etc.</b>		

Old Requirement	New Section	New Requirement
New	21D	Glazed doors, windows and other transparent surfaces must be kept clean.
Difference: <b>Windows to be clean.</b>		
<b>Impact: For non-obstruction of light.</b>		

Old Requirement	New Section	New Requirement
Safety device only upon written request of tenant.	21E	For multiple dwellings having 3 or more units, the owner must equip windows with safety devices to prevent opening more than 100 mm (4in) .
<p>Difference:</p> <p><b>Tenant has no say as to installation of device as in the old requirement.</b></p> <p><b>Operable window that is greater than 2 m above grade is to be equipped with a device. In the old requirement it was basically above the 4<sup>th</sup> floor.</b></p> <p><b>The safety device is not described in the new requirement.</b></p> <p><b>Condominiums not to be excluded as in the old requirement.</b></p> <p><b>Unit occupied by a member of the non-profit co-operative is not excluded as before.</b></p>		
<b>Impact: Increased Safety --- Tenant may not know of safety concern with respect to windows.</b>		

Old Requirement	New Section	New Requirement
Guards on windows less than 1.5 m from floor.	21F	windows in any common areas of a building that are greater than two (2) metres above grade and do not lead to a balcony must have a guard that complies with the Ontario Building Code, if the lower sill is less than one (1) metre from that floor.
<p>Difference: <b>Guard now required for window located in a unit or common area where the lower sill is less than 1m from floor (not 1.5m as previous) and if the window is greater than or equal to 2 m above grade.</b></p>		
<b>Impact: Safety</b>		

Old Requirement	New Section	New Requirement
Not as specific	22	Commercial garbage area must be kept clean and screened. Apt. garbage chutes must be maintained operational.
Difference: <b>Description of garbage receptacle/Screening for outside storage area of garbage/Restrictions for exterior bulk or roll off garbage (covers and size).</b>		
<b>Impact: Health</b>		

Old Requirement	New Section	New Requirement
Did not cover ice and snow and did not have specific requirements for driveway maintenance.	23	Safety and maintenance requirements for steps, walks, driveways and parking and loading areas.
Difference: <ul style="list-style-type: none"> <li>- <b>Snow and ice to be cleared within 24 hours of fall.</b></li> <li>- <b>Requirements for the surface of driveways/parking or storage areas of vehicles ( asphalt, concrete, stone, equivalent) &amp;</b></li> <li>- <b>Restrictions for parking/storage lots re: repair, ponding, markings and curb stops.</b></li> </ul>		
<b>Impact: Safety, cleanliness and organization</b>		

Old Requirement	New Section	New Requirement
Separate by-law	24	Specific safety standards for vacant buildings.
Difference: <b>Vacant land and buildings will now be require to be protected against fire, accident or other dangers by preventing access to building or property.</b>		
<b>Impact: Intended to provide higher degree of safety.</b>		

Old Requirement	New Section	New Requirement
New	25C	Regulating maximum number of persons per dwelling to 1 person for every 9 sq. m. of habitable floor area.
Difference: <b>Max. No. of persons occupying a dwelling eliminated. Replaced with 1 person per 9 sq. m of habitable room floor area.</b>		
<b>Impact: Occupancy</b>		

Old Requirement	New Section	New Requirement
Percentage of floor area was approx. 1/3.	25 D	the minimum height of a habitable room shall be 1.95 metres over at least one half (1/2) the floor area. any floor area under a ceiling that is less than 1.4 metres in height not counted in computing the required minimum floor area of a room used for sleeping.
Difference: <b>A habitable room is now deemed to be 1.95 m in height over at least ½ the floor area.</b>		
<b>Impact: Height</b>		

Old Requirement	New Section	New Requirement
New	27C	Graffiti must be removed and surfaces refinished.
Difference: <b>Defacing in public areas.</b>		
<b>Impact: Addresses the removal of defacing</b>		

Old Requirement	New Section	New Requirement
New	27D	To prevent passage of noxious fumes, all separations shall be of gas-tight construction.
Difference: <b>New provision</b>		
<b>Impact: Addresses the concerns about fumes and odours coming from other units.</b>		

Old Requirement	New Section	New Requirement
Only required for ten or more units	29(A)	Two way communications required to principal entrance of building containing 3 or more units.
Difference: <b>Addresses where a voice communication system is required. The system is also not to identify the tenant by unit number.</b>		
<b>Impact: Safety</b>		

Old Requirement	New Section	New Requirement
Deals with entrance to building having secure key locks	29C	Exit doors must be readily opened from the inside without a key
Difference: <b>Worded differently to imply the opening of a door in an exit in the direction of travel without the use of a key.</b>		
<b>Impact: Safety</b>		

Old Requirement	New Section	New Requirement
Requires artificial light for elevators	31	Must be kept clean and certified in good working order.
Difference: <b><u>Specific</u> lighting requirements removed.</b>		
<b>Impact: Elevators are regulated under the Elevating Devices Act.</b>		

Old Requirement	New Section	New Requirement
New	33	Mail boxes or receptacles required for all units
Difference: <b>Mail boxes</b>		
<b>Impact: Requirements and associated security.</b>		

Old Requirement	New Section	New Requirement
Owner not required to provide rig or stove.	34	Requires owner provide cooking and refrigeration appliance.
Difference: <b>Kitchen equipment</b>		
<b>Impact: Every kitchen in a dwelling unit shall be provided with cooking and refrigeration equipment.</b>		

Old Requirement	New Section	New Requirement
Lighting levels required for buildings	36	Lighting levels also required for buildings
Difference: <b>Illumination levels vary slightly.</b>		
<b>Impact: Little Impact</b> <b>Level of illumination for storage garage now 50 Lux not 54</b> <b>Level of illumination for storage room now 50 Lux not 30</b> <b>Passageways and stairways now 50 Lux when in use.</b>		

Old Requirement	New Section	New Requirement
Only required to provide adequate potable water.	37B	Must provide hot and cold running water from a source approved by MOH.
Difference: <b>Water source is to be approved by the City Medical Officer of Health.</b>		
<b>Impact: Health</b>		

Old Requirement	New Section	New Requirement
Water temperature not to be less than 46.	37 C	Defines what temperature range is acceptable.
Difference: <b>Water temperature 45 deg. C to a limit of 60 deg. C.</b>		
<b>Impact: Upper cap on water temperature.</b>		

Old Requirement	New Section	New Requirement
New-Wording Direct	37 D	Every dwelling unit shall be provided with at least one (1) water closet, one (1) wash basin, one(1) kitchen sink and one (1) bathtub or shower.
Difference: <b>A dwelling unit is to have a water closet, a wash basin, a kitchen and a bath tub/shower.</b>		
<b>Impact: Proper Living.</b>		

Old Requirement	New Section	New Requirement
New	37 H & I	Regulating floor drains
Difference: <b>Basements/Cellars that have concrete floors to be provided with trapped floor drains connected to a sewage system and have metal grills for screening.</b>		
<b>Impact: Addresses flooding and the entry of pests.</b>		

Old Requirement	New Section	New Requirement
New	38(F) (G)	Requirement for air conditioners
Difference:		
<ul style="list-style-type: none"> <li>- <b>Air Conditioning to maintain indoor temperature at 26 deg.C from May 31 to September 29.</b></li> <li>- <b>Prevention of condensation from air conditioning units at areas of pedestrians and vehicular use and must be configured not to cause damage to walls.</b></li> </ul>		
<b>Impact: Some degree of control for buildings that are supplied with air conditioning.</b>		

Old Requirement	New Section	New Requirement
New	39D	Discharge of fumes etc. must be above roof line
Difference: <b>Non-Residential mechanical ventilation for dust and gases etc.</b>		
<b>Impact: The discharge shall terminate above the roofline and have a min. clearance of 3m to any building opening.</b>		

Old Requirement	New Section	New Requirement
New	39E	Ventilation and gas tight construction required in mixed use buildings
Difference: <b>In a mixed use building surface separating non-residential and residential portions shall be of gas tight construction.</b>		
<b>Impact: Health and Safety</b>		

Old Requirement	New Section	New Requirement
Similar	39F	Ventilation required for underground garages.
Difference: <b>Mechanical ventilation to supply fresh air in an enclosed parking/storage garage.</b>		
<b>Impact: The garage is to house more than 5 vehicles and still must have carbon monoxide automatic monitoring devices.</b>		

Old Requirement	New Section	New Requirement
Similar	40B	Garage must be painted and kept clean
Difference: <b>Colour of wall from floor level to height of 60 cm. in a parking garage black balance of wall and ceiling must be white.</b>		
<b>Impact: improves safety.</b>		

Old Requirement	New Section	New Requirement
Not as specific	40C	No wrecked vehicles or part of vehicles in parking garage
Difference: <b>Prohibitive list of articles that are not to be stored in a parking or storage garage.</b>		
Impact: <b>List expanded to include boats, machinery, trailers, junk and rubbish.</b>		

Old Requirement	New Section	New Requirement
New	41A	Safety device for garage doors.
Difference: <b>Garage door at parking garage shall be equipped with a sensor device that will prevent the closure of the door when an object crosses its path.</b>		
Impact: <b>Increased Safety.</b>		

Old Requirement	New Section	New Requirement
New	41C	Specifies required pedestrian access doors, signs etc.
Difference:		
Impact: <b>Safety feature in underground garages for pedestrians using the garage.</b>		

Old Requirement	New Section	New Requirement
Similar to chapter 210	42F	Directional signs for underground
Difference:		
Impact: <b>Improves safety in underground.</b>		

**The Planning and Transportation Committee also submits the following report (August 22, 2000) from the Commissioner, Urban Development Services:**

Purpose:

To further report on the harmonization of the property standards by-law.

Financial Implications and Impact Statement:

There is no financial implication resulting from the adoption of this report.

### Recommendations :

It is recommended that:

- (1) the report on the harmonization of the property standards by-law from the Commissioner of Urban Development Services dated May 30, 2000 along with the amendments and recommendations contained in this report be adopted; and
- (2) the City Solicitor be directed to prepare the necessary bills to give effect to the Committee's decision for the consideration of Council at its next meeting.

### Background :

On June 12, 2000, the Committee received a report from the Commissioner of Urban Development Services dated May 30, 2000, concerning the harmonization of the property standards by-law and forwarded the report to all Community Councils for their review and comment.

In addition to review by Community Councils, consultation meetings were held with both tenant and landlord groups, during which, additional suggestions were received on how to improve the draft by-law.

### Comments:

#### Community Councils

Scarborough Community Council recommended that we report on including a provision in the by-law that garbage receptacles for all residential detached, semi-detached or street townhome dwellings be stored within a garage or in the rear yard screened from the streetline.

The concern about garbage bags relates to foul odour created by the outside storage of plastic garbage bags containing garbage.

As part of this report, we have included a recommendation for your consideration in dealing with the garbage bag issue.

Etobicoke Community Council requested that we consider a submission made by Mr. Kenneth Hale of the South Etobicoke Community Legal Service. Mr. Hale has suggested that we amend the definition of "owner" as contained in the by-law. The definition of "owner" is included for reference purposes only. The term is defined in subsection 15.1(1) of the Building Code Act. Such being the case, we do not have authority to alter the definition. In addition, Mr. Hale has suggested that we require owners to provide refrigerators and stoves in rental units. Traditionally, it was been left to the parties involved to negotiate what, if any, appliances will be provided.

North York Community Council requested that we report on raising illumination standards in garages from 50 to 75 lux. It should be noted that Section 40, Subsection B of the draft by-law requires owners of garages having a capacity of 5 vehicles or more to paint the ceilings, walls and columns white from 60 centimetres above the floor level. This requirement will have the effect of increasing visibility within a garage without the necessity of increasing the lux level. In addition, the 50 lux minimum level of illumination for garages as contained in the draft by-law is consistent with Table 9.34.2.7 of the Ontario Building Code.

East York Community Council recommended that Section 25, Subsection C of the draft by-law be amended to require that the maximum number of persons per dwelling be one (1) person for each twenty (20) square metres of habitable floor area instead of the one (1) person for each nine (9) square metres being suggested in the draft by-law. It should be noted that the standard adopted by all of the former municipalities is consistent with the standard recommended in the draft by-law.

A survey of neighbouring municipalities with respect to maximum number of person occupying a unit reveals the following:

Municipality	City of Vaughan	City of Brampton	Town of Markham	City of Mississauga
Maximum permitted occupancy	1 person for every 9 square metres.	1 person for every 14 square metres.	No requirement	1 person for every 9 square metres.

In addition, East York Community Council requested that we report to Planning and Transportation Committee on a letter received from Maureen Lindsay, Chair, East York Property Standards Committee. Without itemizing each concern expressed in her letter, we have considered the submission made by Ms. Lindsay in preparing this report and will respond to her directly.

#### Amendment to address concern of Scarborough Community Council

In order to address the concern of Scarborough Community Council, we would recommend that a new paragraph J be added to section 22 of the by-law which would require that all plastic garbage bags containing garbage be stored within an enclosed garage or in a covered garbage receptacle.

#### Section 22 – Garbage and debris storage and removal

Add the following as new Subsection B and renumber the subsections as necessary:

22.

- B. All garbage bags containing garbage shall be stored within an enclosed garage or in a covered garbage receptacle.

## Consultation Process

We have conducted consultation sessions with both tenant and landlord groups. During the consultation process, a number of concerns were raised. All suggestions were taken into consideration in recommending the following amendments.

## Amendments

In addition to our comments with respect to concerns raised by Community Councils, we wish to recommend the following additional amendments to the draft property standards by-law.

### Section 10 – Maintenance of yards and property

Add a new Subsection F. which will read as follows:

10.

#### F. Play area.

- (1) Where the owner of a multiple-dwelling provides an outdoor play area on the property, the play area shall be enclosed with a chain link fence that is not less than one and two tenths (1.2) metres in height and have at least one (1) gate that forms part of the fence.
- (2) Every gate shall be supported on substantial hinges, self-closing and provided with a self-latching device located on the inside near the top of the gate or on the outside of the gate and not less than one hundred and five tenths (1.5) metres above grade.

This provision was recommended during one of our consultation meetings and offers an added level of security for children playing on multi-dwelling properties.

### Section 15 – Signs

Add a new Subsection C. which will read as follows:

15.

- C. Signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible at all times.

This recommendation is one of many suggested by the Greater Apartment Owners Association as part of their submission. The new subsection would clarify the purpose and intent of signs, namely, to convey a message.

## Section 21 – Exterior openings, doors, windows and sky lights

Amend Subsections A(1), A(2) and E to read as follows:

21.

- A. (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 rodents, vermin and insects.
- (2) Any openings in an exterior wall of a building that are not protected by a door or window shall be maintained in a weather tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- E. In every multiple-dwelling every window, any part of which is capable of being opened, that does not lead to a balcony and that is located two (2) metres or more above the finished grade of land upon which it faces, shall be equipped with a safety device to prevent an opening in any part of the window greater than one hundred (100) millimetres.

The recommendations in Subsection A resulted from a suggestion made by the Greater Toronto Apartment Association in order to clarify the intent of the term “weather tight”.

The change to Subsection E is being made to accommodate a new safety device which has been brought to our attention. If used, the device will allow the window to be fully opened yet not allow any opening greater than one hundred (100) millimetres.

## Section 30 – Ancillary rooms

Delete Subsection B and insert the following:

30.

- B. Laundry rooms shall be maintained in a clean and sanitary condition and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.

This amendments is made for clarification of the fact that we are not requiring that new sinks be installed, but that existing sinks and laundry rooms must meet minimum requirements.

## Section 33 – Mail

Amend Subsection A to read as follows:

33.

- A. A separate and secure mail box or mail receptacle shall be provided for each dwelling unit and maintained in good repair at all times.

Parkdale Community Legal Services suggested that we amend the wording of Section 33, Subsection A so that there will be no question that landlords must maintain mailboxes or mail receptacles so that the mail may not be tampered with.

#### Section 34 – Kitchen facilities

Delete Subsection C and insert the following:

- C. Each kitchen in a dwelling unit shall be provided with an approved, connected and operating gas or electrical supply to facilitate the operation of any cooking and refrigeration appliances.

The draft by-law appears to have caused some confusion as to whether or not appliances are being mandated for all dwelling units. We are not intending to mandate appliances for dwelling units and the above amendment will clarify that issue.

#### Section 38 – Heating and air conditioning

Amend Subsection F to read as follows:

38.

- F. All air conditioning systems shall be operated from June 2<sup>nd</sup> to September 14<sup>th</sup> so as to maintain an indoor temperature of not more than twenty-six degrees Celsius (26°C).

The dates in Subsection F. have been changed to reflect the dates during which the provisions of the heating by-law do not apply.

#### Section 39 – Ventilation

Amend Subsection F

We are recommending that the term “carbon monoxide monitoring devices” as found in Subsection F be changed to “a carbon monoxide detection system”. This change is more in keeping with the terminology presently being used in the existing by-law for carbon monoxide detection devices.

It is our understanding that a separate report will be submitted to the Committee by Toronto Fire Services concerning Carbon Monoxide Detection Systems.

We recommend that the requirements for carbon monoxide detection systems as proposed by Toronto Fire Services be included in the harmonized property standards by-law.

#### Section 41 - Garage doors; exit doors

Delete Subsections J, K and L and replace them with the following:

- J. If an exit door required under this section does not open directly to the outside of a building, the exit door must incorporate wired glass panels over fifty percent (50%) of its surface unless it is also a door which is required to have a fire protection rating, in which case it must incorporate the maximum coverage of wired glass panels allowed by the Ontario Building Code.
- K. If it is necessary to pass through a required exit door to obtain access to a lockable entrance door to the building, all doors through which a person must pass or pass by from the first required exit door to the outside of the building, except the lockable entrance door and the door opening directly to the outside, must incorporate wired glass panels over fifty percent (50%) of their surfaces.
- L. If a door is required to incorporate wired glass panels under Subsections J or K, the door shall conform with any requirements of the Ontario Building Code and the Ontario Fire Code.

The changes in this section reflect the a reduction in the percentage of area where wired glass is required so that it will not conflict with the Ontario Building Code. It further ensures that the doors ultimately comply with the provincial requirements established in the Ontario Building Code and the Ontario Fire Code.

#### Conclusions:

We have conducted consultation meetings with both tenants and landlords. In addition, we have received a number of written submissions from interested parties.

Some of the concerns expressed deal with issues of inspection and enforcement and will be addressed as part of the protocol to be prepared in relation to this by-law.

If, the Committee finds it desirable to adopt the by-law and the recommendations contained in this report, it is suggested that the City Solicitor, in consultation with the Commissioner of Urban Development Services, be authorized to prepare and introduce in Council at its October 2<sup>nd</sup> meeting a bill substantially in the form of the draft by-law, including any amendments adopted by the Committee, along with any other bills necessary to give effect to the by-law.

The format contained in the draft by-law as well as the recommended changes in this supplementary report have been reviewed and approved by Legal Services.

Contact:

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**The Planning and Transportation Committee also submits the following report (August 25, 2000) from the City Solicitor:**

Purpose:

To report on the inclusion of a special ventilation requirement for residential buildings in the proposed Property Standards By-law.

Financial Implications and Impact Statement:

There is no financial implication resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) this report be received for information; or
- (2) Council request the Minister of Municipal Affairs and Housing to amend the Building Code to require kitchen exhausts in residential dwellings to be vented above the roofline in order to mitigate the impact of cooking odours on neighbouring properties.

Background:

Scarborough Community Council recommended to the Planning and Transportation Committee, when it considers the proposed Property Standards By-law, that:

- (2) The City Solicitor report on including in the By-law a provision requiring kitchen exhausts in residential dwellings to be vented above the roofline in order to mitigate the impact of cooking odours on neighbouring properties.

[Paragraph (w), Clause No. 26 of Report No. 9 of the Scarborough Community Council as considered by City Council at its meeting held on August 1, 2, 3 and 4, 2000]

Comments:

The Chief Building Official has advised that a by-law requiring kitchen exhausts in residential dwellings to be vented above the roofline is a higher standard than what is required under the Building Code. He has also advised that meeting this standard would involve a significant expense as a more powerful fan, a longer duct, roof sealing, and bulk heads would be required. There would also be an ongoing maintenance cost for the roof sealing.

A property standards by-law is enacted under the authority of Section 15.1 of the *Building Code Act, 1992* which authorizes Council to pass by-laws prescribing standards for the “maintenance and occupancy of property”. The Building Code contains the standards for the “construction and demolition of buildings”.

Subsection 35(1) of the *Building Code Act, 1992* is as follows:

“(1) This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings.”

As a property standards by-law interferes with property rights and has a retroactive application (i.e., it applies to existing buildings), the by-law and its statutory authority will be strictly construed by the Courts. The Courts' focus in applying this rule is striking an appropriate balance between individual property rights, which remain important, and legislative goals.

The Courts have judicially interpreted “standards for occupancy of property” in a property standards by-law as including standards for fire protection, and generally for safety, which might require extensive alterations and additions with the resulting expenditure of a substantial sum of money. These standards are applicable even though a building was originally constructed in compliance with the then Building Code and Fire Code.

While each proposed standard has to be reviewed separately, the general practice is to not include standards in a property standards by-law that are higher than the present Building Code standards. One of the reasons for this approach is the administrative concern of the City applying inconsistent standards, i.e., one standard for the building permit and another standard after the building is constructed (and there has been no change in the Building Code standard). Another reason is the legal concern that a Court may determine on the facts that the by-law provision should be classified as a “standard respecting construction of buildings” instead of a “standard for occupancy of property” and therefore the City is not authorized to include the provision in its property standards by-law.

The present facts do not support a strong argument that the proposed ventilation standard should be classified as a standard for occupancy of property. The proposed ventilation standard is higher than the Building Code Standard so that even newly constructed buildings would require retrofitting that would involve a significant expense. The proposed ventilation standard is not being proposed as a safety requirement, but to mitigate the impact of cooking odours on neighbouring properties. At the present time no evidence has been presented that this is a widespread problem in the City, i.e., that the present Building Code standard is inadequate.

### Conclusions :

For the reasons noted above the proposed standard should not be included in the proposed Property Standards By-law at this time. If in Council's opinion this is an appropriate standard for residential dwellings then Council should request the Minister of Municipal Affairs and Housing to amend the Building Code to require kitchen exhausts in residential dwellings to be vented above the roofline in order to mitigate the impact of cooking odours on neighbouring properties.

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**The Planning and Transportation Committee also submits the following transmittal letter (July 20, 2000) from the City Clerk, East York Community Council:**

### Recommendation:

The East York Community Council on July 18, 2000, recommended that Section No. 25C of the draft Property Standards By-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services, addressed to the Planning and Transportation Committee, be amended to provide that the maximum number of persons per dwelling be 1 person for every 20 sq. m. of habitable floor area.

The East York Community Council reports having referred the communication (July 17, 2000) from Ms. Maureen Lindsay, to the Commissioner of Urban Development Services with a request that she submit a report thereon to the Planning and Transportation Committee when this matter is considered.

### Background :

The East York Community Council had before it a report (June 15, 2000) from the City Clerk, Planning and Transportation Committee, forwarding a draft harmonized Property Standards by-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services, to all Community Councils for their review and comment back to the Planning and Transportation Committee.

The East York Community Council also had before it a communication (July 17, 2000) from Ms. Maureen Lindsay, Chair, East York Property Standards Appeal Committee, providing comments with respect to the proposed By-law.

Mr. Christopher Salmond, East York General Radio Emergency Services, appeared before the East York Community Council in connection with the foregoing matter.

**The Planning and Transportation Committee also submits the following transmittal letter (July 20, 2000) from the City Clerk, Etobicoke Community Council:**

The Etobicoke Community Council at its meeting held on July 19, 2000:

- (1) received the Property Standards By-law embodied in the following communication from the City Clerk, Planning and Transportation Committee;
- (2) requested the Director, Municipal Licensing and Standards, to submit a report to the Planning and Transportation Committee on the matters raised by Mr. Kenneth Hale in his deputation, such as amending the definition of “owner” to include the provisions of the Tenant Protection Act, and a standard requirement for landlords to provide a refrigerator and stove for every unit; and
- (3) received the following communications (i) and (ii).

Background:

The Etobicoke Community Council at its meeting held on July 19, 2000, had before it a report (June 15, 2000) from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee at its meeting held on June 12, 2000, had before it a report (May 30, 2000) from the Commissioner, Urban Development Services, headed “Harmonization of the Property Standards By-law”, embodying the following recommendations:

- (1) the attached harmonized property standards by-law be received;
- (2) all existing Property Standards Appeal Committees along with the Housing Standards Appeal Committee of the former City of Toronto be confirmed and given authority to hear appeals concerning Orders issued in relation to violations to the provisions of the new by-law until such time as a new Committee structure has been established;
- (3) this report be forwarded to all Community Councils for their review and comment for the next meeting of your Committee; and
- (4) the City seek special legislation authorizing Council to pass City-wide by-laws to prohibit and regulate long grass and weeds, the clearing of ice and snow on private property and graffiti on buildings or structures, in a manner similar to that adopted by some of the former municipalities;

and further advising that the Planning and Transportation Committee:

- (a) forwarded the draft harmonized Property Standards By-law to all Community Councils for review and comment back to the Planning and Transportation Committee;
- (b) deferred consideration of Recommendation No. (2) above, until such time as the Planning and Transportation Committee considers this matter further; and
- (c) recommended to City Council the adoption of Recommendation No. (4) above.

The Etobicoke Community Council also had before it the following communications:

- (i) (May 16, 2000) addressed to Mr. Gino Vescio, Municipal Licensing and Standards, from Ms. Rae Moynes, Etobicoke and Ms. Georgina Logan, President, Humbervale Tenants' Association, respecting the overheated conditions at the Seniors Complex, Humbervale Christian Outreach Foundation; and requesting, for the reasons outlined in the communication, that the Property Standards By-law be amended to require that air conditioning systems be in operation from May 1 to October 15; and
- (ii) (July 17, 2000) from Ms. Marilyn Bird, Chair, Concerned Condominium Owners, requesting re-examination of the proposed by-law as it relates to multi-unit residential homes, both condominiums and rentals.

The following persons appeared before the Etobicoke Community Council in connection with the foregoing matter:

- Mr. Kenneth Hale, Director, South Etobicoke Community Legal Services; and
- Mr. Brad Butt, Executive Director, Greater Toronto Apartment Association.

**The Planning and Transportation Committee also submits the following transmittal letter (July 25, 2000) from the City Clerk, North York Community Council:**

Recommendations:

The North York Community Council on July 18, 2000, recommended the following to the Planning and Transportation Committee:

- (1) that Recommendation (4) of the report (May 30, 2000) from the Commissioner, Urban Development Services, adopted by the Planning and Transportation Committee, at its meeting held on June 12, 1999, be amended by adding thereto the following words:

“and the Legal Division be directed to also prepare draft legislation for consideration by the Province”;

- (2) that the City seek within the special legislation, the right to do elevator repairs and/or replacement and charge back the costs to the building owners in a like manner to taxes; and
- (3) the Commissioner, Urban Development Services, submit a report to the Planning and Transportation Committee on the feasibility of upgrading parking garages to 75 Lux.

The North York Community Council also reports, for the information of the Planning and Transportation Committee, having requested:

- (i) the Commissioner, Urban Development Services, to submit a report to the North York Community Council on the appropriateness of the appeal fee and on increasing efficiency by reducing the appeal time; and
- (ii) the Chief Building Official and the City Solicitor to submit a report to the North York Community Council that clearly outlines whose responsibility it is to enforce property standards on residential properties where occupied homes under construction and/or renovations have not been signed off.

Background:

The North York Community Council had before it a communication (June 15, 2000) from the City Clerk, Planning and Transportation Committee, forwarding the draft harmonized Property Standards by-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services, to all Community Councils for their review and comment back to the Planning and Transportation Committee.

**The Planning and Transportation Committee also submits the following transmittal letter (July 28, 2000) from the City Clerk, Scarborough Community Council:**

Recommendation:

The Scarborough Community Council recommends, when Planning and Transportation Committee considers the proposed Property Standards By-law, that:

- (1) the Commissioner of Urban Development Services report on including in the By-law a provision that garbage receptacles for all residential detached, semi-detached or street townhome dwellings be stored within a garage or in the rear yard screened from the streetline; and
- (2) the City Solicitor report on including in the By-law a provision requiring kitchen exhausts in residential dwellings to be vented above the roofline in order to mitigate the impact of cooking odours on neighbouring properties.

Background :

The Scarborough Community Council had before it a communication (June 15, 2000) from the City Clerk advising that the Planning and Transportation Committee, at its meeting held on June 12, 2000, referred the report (May 30, 2000) from the Commissioner, Urban Development Services, respecting the harmonization of the Property Standards By-law to all Community Councils for review and comment thereon to the Planning and Transportation Committee.

**The Planning and Transportation Committee also submits the following transmittal letter (September 7, 2000) from the City Clerk, Toronto Community Council:**

Recommendation:

The Toronto Community Council recommends to the Planning and Transportation Committee the endorsement of the draft harmonized Property Standards By-law attached to the report (May 30, 2000) from the Commissioner of Urban Development Services.

Background :

The Toronto Community Council, on September 7, 2000, had before it a communication (June 15, 2000) from the City Clerk, Planning and Transportation Committee forwarding the draft harmonized Property Standards By-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services to all Community Councils for their review and comment back to the Planning and Transportation Committee.

The Community Council's action is noted above.

**The Planning and Transportation Committee also submits the following transmittal letter (July 24, 2000) from the City Clerk, York Community Council:**

Recommendation:

The York Community Council at its meeting held on July 18, 2000, directed that the Planning and Transportation Committee be advised that the York Community Council endorses the draft harmonized Property Standards By-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services.

Background :

The York Community Council on July 18, 2000 had before it a communication (June 15, 2000) from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee forwards the draft harmonized Property Standards By-law attached to the report (May 30, 2000) from the Commissioner, Urban Development Services to all Community Councils for their review and comment back to the Planning and Transportation Committee.

**The Planning and Transportation Committee also submits the following joint report (September 6, 2000) from the Chief Building Official and City Solicitor:**

Purpose:

To report on whose responsibility it is to enforce property standards on residential properties where occupied homes under construction and/or renovations have not been signed off.

Financial Implications and Impact Statement:

There is no financial implication resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information:

Background:

After its review of the Commissioner of Urban Development Services' report on the "Harmonization of the Property Standards By-law", North York Community Council requested a report as follows:

- (ii) the Chief Building Official and the City Solicitor to submit a report to the North York Community Council that clearly outlines whose responsibility it is to enforce property standards on residential properties where occupied homes under construction and/or renovations have not been signed off.

Councillor Flint, Chair of the Planning and Transportation Committee, has requested that this report also be sent to the Planning and Transportation Committee for its meeting on September 11, 2000, so that the Committee will have the report before it when it deals with the draft harmonized property standards by-law.

Comments:

**Responsibilities of Building Inspectors and Municipal Standards Officers:**

Under subsection 3(2) of the *Building Code Act, 1992*, Council is required to appoint a chief building official and such [building] inspectors as are necessary for the enforcement of the *Building Code Act, 1992*. The statutory authority authorizing a municipality to pass a property standards by-law has been moved from the *Planning Act* to section 15.1 of the *Building Code Act, 1992*. Under section 1 of the *Building Code Act, 1992*, a [property standards] " 'officer' means a property standards officer who has been assigned the responsibility of administering and enforcing the by-law passed under section 15.1" of the *Building Code Act, 1992*. Under the City's administrative structure "Building Inspectors" are in the Building Division of the Urban Development Services Department and the City's property standards officers are "Municipal

Standards Officers” in the Municipal Licensing and Standards Division of the Urban Development Services Department.

Municipal Standards Officers of the Municipal Licensing and Standards Division are responsible for the enforcement of the City's property standards by-laws, whether or not construction or renovation is taking place on the site. Building Inspectors are expected to bring to the attention of the Builder and the Municipal Standards Officer conditions that they consider not to be directly related to construction. In order to efficiently deal with complaints, the Buildings Inspector who gets a complaint dealing with a construction site will consider if he or she can quickly deal with the complaint by drawing the problem to the Builder's attention. If that is not the case or the Building Inspector is unsuccessful in resolving the problem, the matter will be referred to the Municipal Licensing and Standards Division to take action. (This is the same approach taken with respect to other City by-laws, for example, complaints regarding construction noise and the enforcement of the noise by-laws of the former municipalities.)

#### Application of Property Standards By-law to Construction Sites:

A related enforcement question is “whether a property standards by-law applies to properties when there is an active building permit?” The answer to this question is “yes” for the following reasons. The first reason is that there is no provision in the proposed property standards by-law exempting sites where construction is taking place from complying with the by-law.

The second reason is that the issuance of a building permit does not automatically grant the construction site immunity from compliance with the property standards by-law. A Court may still uphold an order for compliance with the property standards by-law, depending on the facts (including the level of construction activity). For example, in the case of *East York (Borough) v. Riggs* (1988) 38 M.P.L.R. 124, the Court held that “the order of compliance [with the property standards by-law] is enforceable as to the completion and repairs to the building even though the owners have an authority to do certain works under the building permit”. In that case the building permit for renovations was issued in 1982 and the renovations were still not complete when the order to comply with the property standards by-law was issued in 1986. The Court also noted:

“It may be suggested that if the works allowed by the building permit were completed in reasonable time – and I do not consider close to 6 years to be reasonable – borough council nor its employees would have implemented the procedure of notice of violation and the order to comply. But they have chosen to do so, and, in my view, their actions are appropriate and enforceable.”

The Court confirmed the order for compliance, but also allowed additional time to complete the construction and comply with the by-law.

As a property standards by-law interferes with property rights and has a retroactive application (i.e., it applies to existing buildings), the by-law and its statutory authority will be strictly construed by the Courts. The Courts’ focus in applying this rule is striking an appropriate

balance between individual property rights, which remain important, and legislative goals. The East York case is an example of this balancing of interests.

In accordance with this “balancing of interests” approach, City staff enforcing a property standards by-law have to take into account the fact that there is a significant difference in terms of cleanliness between sites where construction is taking place and properties where there is no construction. Because of the very nature of construction related activities, the enforcement of the by-law standards will vary between construction sites and properties where no construction is taking place. For example, construction sites may be muddier and less tidy and, on a temporary basis, construction sites may have more construction material or excavated soil stored on the site. However this would only be the case as long as construction continues. After the construction is completed the site is expected to be brought into full compliance with the property standards bylaw.

Due to their background and knowledge of the former municipalities property standards by-laws and the proposed harmonized property standards by-law, Municipal Standards Officers are best equipped to decide and take appropriate action, if site conditions result in a violation of the applicable property standards by-law that is not reasonable for a construction site in the context of the legislative goals of a property standards by-law.

#### Conclusions:

Construction sites are not exempt from the application of the property standards by-law. However, in applying the by-law to construction sites Municipal Standards Officers must interpret the by-law reasonably and fairly during its enforcement.

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**The Planning and Transportation Committee also submits the following report (September 1, 2000) from the Commissioner, Urban Development Services:**

#### Purpose:

To report on fees relating to property standards appeals and the possible reduction in the time in which to file an appeal.

#### Financial Implications and Impact Statement:

At the present time, three (3) of the former municipalities are charging a fee for staff time and related costs associated with an appeal to the Property Standards Committee.

If the recommendation is adopted, it would result in an increase in revenue, which would help to offset any administrative costs associated with the property standards appeal process across the entire City.

If Committee does not accept the recommendation in this report, the revenue loss would be negligible based on the number of applications as described in the report.

#### Recommendations:

It is recommended that:

- (1) the application fee for a property standards appeal be set at \$200.00; and
- (2) the City Solicitor be directed to prepare the necessary bill to give effect to the Committee's decision for the consideration of Council at its next meeting

#### Background:

At its meeting on July 18, 2000, North York Community Council requested that the Commissioner of Urban Development Services report back on the appropriateness of an appeal fee for property standards appeals and on increasing efficiency by reducing the appeal time.

Given the fact that the Planning and Transportation Committee is considering the harmonized Property Standards By-law on September 11, 2000, the information and recommendations outlined in this report are being reported back to Planning and Transportation Committee so that all issues concerning property standards can be dealt with at the same time.

#### Comments:

##### Fees Relating to Property Standards Appeals

A number of the former municipalities have been charging a fee for property standards appeals. The following chart illustrates the total number of appeal applications as well as the fees presently in place:

Municipality	Toronto	York	Scarborough	Etobicoke	North York	East York
Appeals 1998	126	8	3	8	39	8
Appeals 1999	19	19	7	7	14	7
Appeal Fee	No fee	\$50.00 single and semi residential. \$100.00 for other	\$100.00	No fee	No fee	\$50.00

Once an appeal application is considered by the Property Standards Committee, it is subject to further appeal to the Superior Court of Justice. The court's filing fee for such an appeal is \$225.00.

We are recommending that a fee of \$200.00 be charged for all appeals to the Property Standards Committee.

Attached for your information is a summary of activities associated with processing an appeal and an estimate of their costs.

#### Reduction of Time in which to File an Appeal

The appeal process is established under section 15.3(1) of the Building Code Act, which reads as follows:

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2(2) 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.

Given that the time period in which to appeal is legislated by the Province, the City does not have authority to reduce the time.

#### Conclusions :

An application fee for property standards appeals is reasonable and consistent with the practice existing presently within three of the former municipalities. A fee of \$200.00 can be justified.

Since the appeal process is legislated by the Province, the City does not have the legislative authority to alter the time period in which to file a property standards appeal application.

If the Committee finds it desirable to adopt the recommendations contained in this report, it is suggested that the City Solicitor, in consultation with the Commissioner of Urban Development Services, be authorized to prepare and introduce in Council at its October 2<sup>nd</sup> meeting a bill giving effect to the decision.

This report has been reviewed by Legal Services.

#### Contact:

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## Appendix "A"

### Costs of Property Standards Appeal

(1)	Photocopy fees (notices, orders, letters, postage)	\$10.00
(2)	Report preparation (review file, prepare synopsis ) (prepare draft report )	\$50.00
(3)	Type report, prepare agenda, Letter to appellant	\$20.00
(4)	Property inspection fee	\$50.00
(5)	Inspectors time/witness fee	\$50.00
(6)	Appeal Clerk fee (minutes, decision, etc.)	\$20.00
		=====
	Total Estimated Cost	\$200.00

Note: The above cost does not include the cost associated with accommodations for the appeal or the cost to the City of the members of the Property Standards Committee to consider the appeal.

The additional cost not factored into the estimate is the cost of adjournments resulting in additional costs in staff time, the cost of additional notices, inspection update for the Committee, etc.

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Brad Butt, Executive Director, Greater Toronto Apartment Association, addressed the Committee with regard to this matter.

The Planning and Transportation Committee also had before it the following communications and copies thereof are on file in the office of the City Clerk:

- (May 16, 2000) addressed to Gino Vescio, Municipal Licensing and Standards, from Rae Moynes, Etobicoke and Georgina Logan, President, Humbervale Tenants' Association, appended to the foregoing transmittal letter (July 20, 2000) from the City Clerk, Etobicoke Community Council, respecting the overhead conditions at the Seniors Complex, Humbervale Christian Outreach Foundation; and requesting for the reasons outlined in the communication, that the Property Standards By-law be amended to require that air conditioning systems be in operation from May 1 to October 15;

- (July 17, 2000) from Marilyn Bird, Chair, Concerned Condominium Owners, appended to the transmittal letter (July 20, 2000) from the City Clerk, Etobicoke Community Council, requesting re-examination of the proposed by-law as it relates to multi-unit residential homes, both condominium and rentals; and
- (undated) from Brad Butt, Executive Director, Greater Toronto Apartment Association in support of the by-law.

*(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, had before it, during consideration of the foregoing Clause, the following communication (September 25, 2000) from the City Clerk:*

*Recommendation:*

*The North York Community Council recommends:*

- (1) that the joint report (September 6, 2000) from the Chief Building Official, Urban Development Services, and the City Solicitor, be received; and*
- (2) the adoption of the following Resolution by Councillor Flint, North York Centre South:*

*“WHEREAS Council for the City of Toronto is considering a harmonized Property Standards By-law for the amalgamated City pursuant to Section 15.1 (3) of the Building Code Act; and*

*WHEREAS the City has a programme that allows for disconnection of downspouts in order to divert water from the sewer system to be recycled on the property; and*

*WHEREAS Section 20 of the harmonized By-law respecting Roofs and Roof structures at subsection C.(1) and C.(2):*

- (1) “Where a rainwater collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter and then into a down pipe that discharges directly into the building drain or not more than one hundred and fifty (150) millimetres above grade”*
- (2) “Any above ground discharge from a down pipe or pipe shall be directed to discharge onto the property and in a manner so as not to cause damage to any property and to prevent hazardous conditions” are not adequate to deal with the issues; and*

*WHEREAS the proposed wording places onus on the Municipal Licensing and Standards Officers to prove that damage has occurred to adjacent properties from the discharge of water;*

*THEREFORE BE IT RESOLVED THAT Council recommend a change to the wording of subsection C.(2) to “Drainage water from a roof surface and surface drainage shall not be discharged directly or indirectly onto a stairway, street or an adjoining property.”*

*Background:*

*At its meeting of September 19 and 20, 2000, the North York Community Council had before it a report (September 6, 2000) from the Chief Building Official, Urban Development Services and the City Solicitor reporting on whose responsibility it is to enforce property standards on residential properties where occupied homes under construction and/or renovations have not been signed off, as requested by the North York Community Council, and recommending that this report be received for information.)*

*(City Council also had before it, during consideration of the foregoing Clause, the following report (September 26, 2000) from the City Solicitor:*

*Purpose:*

*To review the legality of certain proposed amendments to the Draft Harmonized Property Standards By-law as recommended by the Planning and Transportation Committee and the additional amendment requested by the North York Community Council, as set out in Councillor Flint's motion.*

*Financial Implications and Impact Statement:*

*There is no financial implication resulting from the adoption of this report.*

*Recommendations:*

*It is recommended that:*

- (1) the following recommendation with respect to fire route signage, in Recommendation No. (1)(b)(ii) of Clause No. 6 of Planning and Transportation Committee Report No. 9, be referred to the Commissioner of Works and Emergency Services for consideration in consultation with the City Solicitor for inclusion in the harmonized fire routes by-laws.*

*With respect to fire routes, signage be in an approved form and that no signage be erected, or permitted to remain, unless under the auspices of the Commissioner of Works and Emergency Services supported by an amendment to the schedule under the Fire Route by-law:*

- (2) the following recommendation with respect to tagging or towing of vehicles signage, in recommendation (1)(b)(ii) of Clause 6 of Planning and Transportation Committee Report No. 9 not be adopted:*

*With respect to tagging and/or towing of vehicles, signage shall be in an approved form and no signage shall be erected, or permitted to remain, unless under the auspices of Toronto Police Services and, in accordance with, the towing from private property by-law;*

*(3) the following recommendation (1)(j) of Clause No. 6 of Planning and Transportation Committee Report No. 9 not be adopted:*

*(j) amending Section 17 – Buffering, by adding the following additional Subsection:*

*“E. A barrier shall be erected to prevent airborne emissions from negatively impacting on the occupants of neighbouring properties.”*

*(4) the proposed amendment set out in item (m) of Clause 71 of North York Community Council Report No. 10 and the Motion from Councillor Flint be referred to the Commissioner of Urban Development Services and that Subsection 20C of the draft by-law be reviewed in light of the storm water provisions in the new sewer by-law, By-law No. 457-2000.*

*(5) the appropriate City Officials be authorized and directed to take the necessary action to give effect to these recommendations.*

*Background:*

*As set out in Clause No. 6 of Planning and Transportation Committee Report No. 9 the Committee has recommended certain amendments to the draft Harmonized Property Standards By-law attached to the Commissioner of Urban Development Services report dated May 30, 2000. Three of the proposed amendments are subject to legal limitations, which are discussed below. The North York Community Council has also proposed an additional amendment to the by-law that has enforcement implications that are also reviewed in this report.*

*Comments:*

*Section 15.1 of the Building Code Act, 1992:*

*A property standards by-law is enacted under the authority of section 15.1 of the Building Code Act, 1992 which authorizes Council to pass by-laws prescribing standards for the “maintenance and occupancy of property”. As a property standards by-law interferes with property rights and has a retroactive application (i.e., it applies to existing buildings and may have significant cost implications), the by-law and its statutory authority will be strictly construed by the Courts. The Courts’ focus in applying this rule is striking an appropriate balance between individual property rights, which remain important, and legislative goals.*

*Subsection 101(2) of the Municipal Act provides that a by-law passed in good faith and within the Council’s jurisdiction cannot be quashed because it is “unreasonable”. However, in*

*accordance with this “balancing of interests” approach noted above, the general practice is to set out property standards in the by-law that are both reasonable and clear.*

*Amendments to Section 15. Signs:*

*The proposed additions to Section 15. Signs that are of concern (as set out in Recommendation No. (1)(b)(ii) of Clause No. 6 of Planning and Transportation Committee Report No. 9) are as follows:*

- (ii) With respect to fire routes, signage be in an approved form and that no signage be erected, or permitted to remain, unless under the auspices of the Commissioner of Works and Emergency Services supported by an amendment to the schedule under the Fire Route by-law:*

*With respect to tagging and/or towing of vehicles, signage shall be in an approved form and no signage shall be erected, or permitted to remain, unless under the auspices of Toronto Police Services and, in accordance with, the towing from private property by-law; and*

*The proposed amendments for fire route signage and tagging and towing signage recommend amendments that go beyond what is permissible in a by-law enacted under section 15.1 of the Building Code Act, 1992. The proposed amendments regulate the content of signs and include a subdelegation. At the same time there are specific provisions under section 210 of the Municipal Act that permit a municipality to pass by-laws: for prohibiting or regulating signs and other advertising devices; for designating fire routes and prohibiting parking on them; and for prohibiting parking on private or municipal property. Under these circumstances these signage provisions should be reviewed for inclusion in the by-laws passed under the Municipal Act.*

*It is recommended that the fire route signage provision be referred to the Commissioner of Works and Emergency Services for review for inclusion in the harmonized fire route by-law. The tagging and towing signage provision is already being reviewed for inclusion in the proposed tagging and towing by-law as requested under recommendation (4) of the Planning and Transportation Committee, as noted in the City Clerk’s September 26, 2000 letter to Council respecting “ Program Enhancements and Consolidation of By-laws affecting Parking Enforcement on Private Property (Refers to Clause 1 of Report 17 of the Administration Committee).”*

*Amendment to Section 17. Buffering:*

*As set out in recommendation (3) of Clause 6 of Planning and Transportation Committee Report No. 9, the Committee has recommended that the Building Code be amended to provide a higher standard for kitchen exhausts.*

*The proposed amendment to Section 17. Buffering (as set out in recommendation (1)(j) of Clause No. 6 of Planning and Transportation Committee Report No. 9) is as follows:*

(j) amending Section 17 – Buffering by adding the following:

“E. A barrier shall be erected to prevent airborne emissions from negatively impacting on the occupants of neighbouring properties.”

*The intent of this amendment was also to deal with cooking odour complaints. The legal problem with this proposed amendment is that it does not set out an enforceable standard as it will be held by a Court to be void for vagueness and uncertainty as citizens seeking to obey the law would not be able to satisfy themselves of the requirements to do so and as there would be no limitation on enforcement discretion. The Environmental Protection Act already applies to cases where the emission is a “contaminant” within the meaning of that Act. For these reasons it is recommended that this proposed amendment not be included in the by-law.*

*Amendment to Section 20. Roof and Roof Structures:*

*Proposed Subsection 20(C) is as follows:*

- C. (1) *Where a rain-water collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter and then into a down pipe that discharges directly into the building drain or not more than one hundred and fifty (150) millimetres above grade.*
- (2) *Any above ground discharge from a downpipe or pipe shall be directed to discharge onto the property and in a manner so as not to cause damage to any property and to prevent hazardous conditions.*

*The proposed amendment to subsection 20(C)(2) (as set out in item (m) of Clause 71 of North York Community Council Report No. 10 and the Motion from the Councillor Flint) is as follows:*

- (2) *Drainage water from a roof surface and surface drainage shall not be discharged directly or indirectly onto a stairway, street or an adjoining property.*

*Both prosecutions staff and enforcement staff have confirmed that similar provisions to Subsection C(1) and (2) in the former municipalities by-laws have provided enforceable, i.e. that they are reasonable standards. The problem with the proposed amendment is that on its face it sets a standard that is practically impossible to meet in terms of “surface drainage” not being discharged directly or indirectly onto a stairway, street or adjoining property.*

*In addition to the down pipe disconnection program noted in the Motion, the City’s new sewer by-law, By-Law No. 457-2000 also contains provisions that deal with “storm water” (as defined in that by-law) that vary with the existing storm sewer services and the age and type of building. It is recommended that Subsection 20C be reviewed in light of the storm water provisions in the Sewer By-law and the Motion be referred to the Commissioner of Urban Development Services for that purpose.*

*Staff of the Municipal Licensing and Standards Division, Urban Development Department have been consulted in the preparation of this report.*

*Conclusions:*

*For the reasons set out above, it is advisable that the proposed amendments discussed in this report not be included in the property standards by-law.*

*Contact:*

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