

City of Toronto

Property Standards Committee

Orientation Session

Presented by
Municipal Licensing & Standards Division

November 8, 2023



Agenda

- Introduction & Opening Remarks
- Building Code Act and Property Standards
- Questions and Answers

Introduction & Opening Remarks



The Building Code Act, 1992 - Property Standards

MLS Presentation

Building Code - Definitions

Officer (sec. 1. (1))

- means a property standards officer who has been assigned the responsibility of administering and enforcing Property Standards By-laws.

Committee (sec. 15.1-(1))

- means a property standards committee appointed by Council.

Occupant

- means any person or persons over the age of 18 years in possession of the property.

Owner includes:

- a) the person managing or receiving the rent.
- b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the 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.

Standards for Maintenance and Occupancy

Sec.15.1(3)

- City Council may:
 - 1 Prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
 - 2 Require 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 graded and levelled condition.

Inspection of Property

Sec.15.2 (1) and Sec.16:

- An officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:
- (a) whether the property conforms with the standards prescribed in the by-law or
(b) whether an order made under subsection (2) has been complied with.

Issuing an Order

Sec. 15.2(2)

- An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order:
 - (a) stating the municipal address or the legal description of the property
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition
 - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense
 - (d) indicating the final date for giving notice of appeal from the order

Process of Serving an Order

Service of Order (sec. 15.2(3))

- The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

Registration of Order (sec. 15.2(4))

- The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order

How Order may be served (sec. 27)

- A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

Appeal of an Order – Property Standards Committee

Appeal of Order to Property Standards Committee (sec. 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.

Confirmation of Order (sec. 15.3(2))

- An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed.

Power of Committee on appeal Sec. 15.3(3)

- The committee has all the powers and functions of the officer who made the order and may,
 - (a) confirm, modify or rescind the order to demolish or repair;
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Court Appeal

Appeal to the Court (sec. 15.3(4))

- The municipality or any owner or occupant or person affected by a decision may appeal in a judge of the Superior Court of Justice by notifying the clerk of the corporation in writing and by applying to the Court for an appointment within 14 days after the sending of a copy of the decision.

Judge's powers (sec. 15.3(6))

- On the appeal, the judge has the same powers and functions as the committee.

Effect of decisions (sec. 15.3(7))

- An order that is deemed to be confirmed or that is confirmed or modified by the committee or a judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

Questions and Answers