

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2025-XXX

A by-law for prescribing standards for the maintenance of property within in the Municipality of Neebing.

Recitals:

1. Subsection 15.1 (3) of the *Building Code Act*, S.O. 1992, S.O. 1992, c.23, provides that, if an Official Plan that includes provisions relating to property standards is in effect in the Municipality, the Council of the Municipality may pass a by-law to:
 - a. Prescribe standards for the maintenance and occupancy of Land, Structures and Buildings within the Municipality, or within any defined area or areas, and for prohibiting the occupancy or use of such Land, Structures and or Buildings that do not conform with the standards; and
 - b. Requiring Land, Structures and Buildings that do not conform with the standards to be repaired and maintained to conform with the standards, or the Land to be cleared of buildings, structures, debris or refuse and left in graded and levelled condition.
2. There is in effect in the Municipality of Neebing an Official Plan that includes provisions relating to property standards.
3. Council of The Corporation of the Municipality of Neebing desires that a by-law be enacted pursuant to Section 15.1 (3) of the *Building Code Act*, 1992, S.O. 1992, c. 23 as amended.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

1.0 Definitions

"Building" means a Structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment.

"Clerk" means the person who exercises the duties of the clerk of the Corporation as set out in the *Municipal Act*, 2001, S.O. 2001, c.25.

"Committee" means a Property Standards Committee established under this By-law pursuant to Section 15.6 of the *Building Code Act*, 1992, S.O. 1992, c.23, to hear appeals from Property Standards Orders.

"Corporation" means The Corporation of the Municipality of Neebing.

"Farm Buildings" means any Buildings or Structures used in association with a farm use including any of the Structures used in farming operations, which may include Buildings to house livestock, machinery and crops, but does not include any residential Building;

"Land" means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. References to Land in this By-law include all Buildings and Structures and vegetation, fences, driveways, patios, sidewalks, or retaining walls on the Land.

"Neebing" means the geographic area under the jurisdiction of the Corporation.

“Occupant” means a person other than the Owner who exercises rights in respect of Land, including:

- i. A tenant or lessee;
- ii. A licensee; or
- iii. An occupier.

“Officer” means Property Standards Officer.

“Order” means an order issued by a Property Standards Officer under Section 5.1 of this By-law.

“Owner” means the registered owner of the Land.

“Property Standards Officer” means any person duly appointed to enforce the provisions of this By-law, including any members of the Ontario Provincial Police, the Fire Chief or Deputy Fire Chief.

“Secretary of the Committee” means a municipal staff member designated to record the minutes of meetings and decisions of the Property Standards Committee.

“Structure” means anything other than a Building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, towers, solar installations, signs, swimming pools, and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks, or retaining walls.

“Treasurer” means the person who exercises the duties of the treasurer of the Corporation as set out in the *Municipal Act, 2001*, S.O. 2001, c.25.

“Unsafe Condition” is a descriptive phrase for Land, Buildings, Structures or materials thereon, that are in a condition or state of repair that causes a hazard to the safety or health of any person authorized or expected to be on or near the Land, Buildings or Structures.

“Vermin” means: mammals, reptiles, birds or insects injurious to humans, physical property, game, livestock, or crops. Examples include: skunks, rats, termites, poisonous insects, moths, and mice.

2.0 Applicability

2.1 This By-law shall apply to all Land, Buildings and Structures within the limits of Neebing.

2.2 Notwithstanding Section 2.1, the following Properties are exempt from the requirements of this By-law:

2.2.1. Land owned by the Corporation; and

2.2.2. Farm Structures, Buildings and Lands, which are being used for agricultural and farm purposes, and are located within the Rural or Agricultural Zones.

2.3 The prescribed maintenance standards and processes as outlined in the *Residential Tenancies Act, 2006*, S.O. 2006, c.17 remain in effect as the municipal property standards By-law does not apply to the maintenance standards of residential rental properties, as defined in its O. Reg 517/06.

3.0 General Standards for all Properties

- 3.1 Every Building, Structure and parcel of Land shall comply with the standards in this By-law.
- 3.2 All repairs and maintenance of Land, Buildings and Structures shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship in the discretion of the Property Standards Officer. All repairs and maintenance shall conform to the *Building Code Act, 1992*, S.O. 1992, c.23, the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act, 1997*, S.O. 1997, c.4, as applicable.

Conditions and Maintenance of Property

- 3.3 All Land, Structures and Buildings shall be kept clean and free from:
 - 3.3.1 rubbish or debris, and substances, objects or conditions, that may create a safety or health hazard;
 - 3.3.2 appliances such as refrigerators, stoves and freezers, which are no longer in regular use in a Building and are debris or being used for storage purposes;
 - 3.3.3 dilapidated, collapsed or partially constructed Buildings or Structures, that may create a safety or health hazard;
 - 3.3.4 Vermin; and
 - 3.3.5 dead, decayed or damaged trees or other vegetation that may create a safety, health, or fire hazard.
- 3.4 No derelict vehicle, scrap and/or junk material, including wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on Lands, except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.
- 3.5 The warehousing or storage of material or operative equipment that is required for the continuing operation of an industrial or commercial use of Land or business, shall be maintained in a neat and orderly fashion so as not to create a health or safety hazard, shall provide unobstructed access for emergency vehicles, and shall be in conformance with the applicable municipal zoning by-law requirements for that location.
- 3.6 No person shall excavate and leave Land in an excavated condition for longer than fourteen (14) days. The excavated site must be clearly marked as a health and safety hazard.

Lighting and Cameras

- 3.7 Exterior lighting and cameras shall be directed away from adjacent properties and shall be positioned and operated in a manner so that it is not likely to cause health and safety impacts on adjacent property Owners, Occupants and visitors.

Damaged Material

- 3.8 In the event that a Structure or Building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property, insofar as permitted by the proper authorities, to prevent access and risks to health and safety.
- 3.9 Damaged or partially burnt materials on Land shall be removed immediately after the applicable investigations are completed and authorization to do so is provided by the appropriate municipal fire service or other relevant authorities.

4.0 Power of the Corporation

- 4.1 The remedial work necessary by an Order issued by a Property Standards Officer pursuant to this By-law may be undertaken by the Corporation or by contractors or agents retained by the Corporation, should the Owner or Occupant refuse, and the Owner will be responsible for the payment of the cost of such work, including administrative fees, with the costs added to their municipal tax roll.
 - 4.1.1 The Corporation shall have a priority lien on the Land for the amount spent on the remediation, repair or demolition required by the Order, and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk or Treasurer of the Corporation to the municipal tax roll and collected in the same manner as taxes and shall have priority lien status as described in Section 1 of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 4.2 For the purposes of Section 4.1., employees or agents of the Corporation may enter the property at any reasonable time, without a warrant, in order to inspect or to repair or clear the Land, Structure of Building, to achieve compliance with this By-law.
- 4.3 The Corporation or a person acting on its behalf is not liable to compensate the Owner, Occupant or any other person by reason of anything done by or on behalf of the Corporation in the reasonable exercise of its authority under this By-law.

5.0 Administration and Enforcement

- 5.1 The person(s) appointed as Property Standards Officer(s) for the Corporation shall be responsible for the administration and enforcement of this By-law.
- 5.2 The Property Standards Officer and any person acting under his or her instruction may at any reasonable time and upon producing proper identification enter to inspect any property or to do any necessary remediation work on the Land, Structures or Buildings, when the Owner or Occupant subject of an Order have failed to do the required work.

6.0 Notice of Violation

- 6.1 A Property Standards Officer who finds, upon inspection, that the Land, Structure or Building does not conform to any of the applicable standards in this By-law, shall attempt to persuade the Owner or Occupant to undertake the necessary actions to bring them up to the applicable standard.

- 6.2 A Property Standards Officer who is unable to persuade the Owner or Occupant to correct deficiencies in or on the Land, Structure or Building shall, subject to Section 5.2.7, provide all Owners, Occupants, and persons listed on the Land Title Registry, with notice of his or her findings.
- 6.3 The notice shall, at a minimum, contain the following information:
- i. the legal description of the Land or, where there is one, its municipal address;
 - ii. reasonable particulars of the aspects of the Land, Structure and or Building that do not conform to this By-law, including specific reference to the By-law sections containing applicable standards that have not been met;
 - iii. direction as to how the Land, Structure and or Building can be brought into compliance with the By-law;
 - iv. a reasonable time period within which the Land, Structure and or Building must be brought into compliance with the By-law, to avoid issuance of an Order under Section 6.1; and
 - v. the contact information for the Property Standards Officer who conducted the inspection and issued the notice under this Section, including a statement that they are authorized to rescind or vary the notice requirements where appropriate.
- 6.4 The Property Standards Officer may cause a placard to be placed on the Land, a Structure or exterior of any Building which does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the Land, Structure and or Building is prohibited until it conforms to the standards set by this By-law. No person shall remove, deface or cover up any such placard.
- 6.5 At any time, the Property Standards Officer who issued the notice under Section 6.2, or another Property Standards Officer in circumstances where the issuing Officer is not available, may rescind, or modify the terms or requirements of the notice, including the time within which compliance with the By-law must be achieved.
- 6.6 Any person who has received a notice, including by posting of a notice under this Section, may request that the Property Standards Officer review the circumstances surrounding the issuing of the notice and its contents. Upon review, the Property Standards Officer may rescind, amend or maintain the original notice.
- 6.7 Despite Section 6.2, a Property Standards Officer may proceed to issue an Order under Section 7.1, without having first given a notice of violation under Section 6.2, where:
- i. the same, or substantially the same, deficiency of standard with respect to the same Land, Structure and or Building was the subject matter of a notice of violation under Section 6.2 of this By-law within the previous twenty-four (24) months, and the Land, Structure and or Building in question remains under the Ownership of the same person; or
 - ii. the deficiency is an emergency as contemplated in Section 7.6 of this By-law.

7.0 Property Standards Order

- 7.1 Where a notice of violation issued under Section 6.2 is not complied with in the time specified, or where the conditions in Section 6.7 are met, the Property Standards Officer may issue an Order pursuant to subsection 15.2(2) of the *Building Code Act, 1992*, S.O. 1992, c.23.
- 7.2 Under the authority of Section 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c. 23, an Order may require any of the following:
- 7.2.1 that certain remedial action be taken to bring the Land, Structure and or Building in question up to the standards prescribed in this By-law;
 - 7.2.2 that should the remedial action not be taken, require the Land to be cleared of Buildings, Structures, rubbish, debris, substances, objects, Vermin or conditions, and left in a clean, graded and leveled condition; and/or
 - 7.2.3 prohibit the occupancy or use of Land, Structure and or Building that does not conform with the standards in this By-law.
- 7.3 An Order shall be served in accordance with Subsections 15.2(3) and 27(1) of the *Building Code Act, 1992*, S.O. 1992. c.23.
- 7.4 At any time, the Property Standards Officer who issued the Order, or another Property Standards Officer in circumstances where the issuing Officer is not available, may rescind, or modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved.
- 7.5 The Corporation may, at the discretion of the issuing Property Standards Officer, register the Order on title to the Land, which is the subject matter of the Order, under the authority of Subsection 15.2(4) of the *Building Code Act, 1992*. S.O. 1992, c.23.
- 7.6 If a Property Standards Officer observes non-compliance with this By-law that results in an Unsafe Condition which poses an immediate health and safety threat, he or she may proceed to issue an Order requiring remedial repairs or other work to be carried out immediately to terminate the danger, pursuant to s.15.7 of the *Building Code Act, 1992*. The Property Standards Officer shall serve the Order, but may take any necessary steps to terminate the danger forthwith and prior to service, as may be required.
- 7.7 If an Order made pursuant to Section 7.1 of this By-law is not complied with in accordance with the Order terms, as written or as later confirmed or as modified by the Property Standards Committee or a judge, the Corporation may cause the Land, Structure and or Building to be repaired or demolished and cleared, as applicable.

8.0 Appeal To Committee

- 8.1 In accordance with the provisions of Section 15.3 of the *Building Code Act, 1992*, S.O. 1992, c. 23, an Owner or Occupant who has been served with an Order made pursuant to Section 7.2 of this By-law and who is not satisfied with the terms or conditions of the Order, may appeal to the Property Standards Committee by sending a notice of appeal together with the required hearing fee within fourteen (14) days after being served with the Order to:

Municipality of Neebing
Property Standards Committee
4766 Highway 61
Neebing, ON P7L 0B5

- 8.2 An Owner, Occupant, or agent who appeals an Order on their behalf, shall pay a non-refundable hearing fee of \$200.00 at the time of filing of the appeal.

9.0 Establishment of a Committee

- 9.1 A committee to be known as the Property Standards Committee shall be established. The purpose of the Committee is to hear appeals of Property Standards Orders.
- 9.2 The Committee shall be comprised of three (3) members of Council.
- 9.3 The term of office for the members of the Committee is the term of Council (four (4) years), however all members may serve beyond their term of office, as required, until members are re-appointed after a successful re-election or replaced by new members of Council.
- 9.4 A majority of Committee members constitutes a quorum for transacting the business of the Committee.
- 9.5 The Committee shall elect a chair from among themselves and when the chair is absent through illness or otherwise, may appoint another member as acting chair.
- 9.6 The Corporation shall provide for a Secretary of the Committee. This will be a person employed or contracted by the Corporation who is not a Property Standards Officer.
- 9.7 The Secretary of the Committee shall keep the records of all appeal proceedings, including decisions and reasons, and Section 253 of the *Municipal Act, 2001*, S.O. 2001, c.25 applies with necessary modifications to the retaining of those records.
- 9.8 The Committee may adopt its own rules and procedures for appeal hearings that are consistent with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c.S.22, and it is understood that with the exception of the following process regarding appeal hearings, the Committee shall conduct all other business in accordance with the Municipality of Neebing Procedure By-law:
- 9.8.1 Appeal Hearing Process:
- i. Introduction of the Appeal by the Secretary;

- ii. Order content and reasons by the Property Standards Officer;
- iii. Submissions of the Owner, Occupant, or their agent;
- iv. Reply of the Property Standards Officer to any new issues raised by the Owner, Occupant or their agent;
- v. Deliberations of the Committee; and
- vi. Decision issuance with reasons, in writing.

- 9.9 The Secretary of the Committee must give a minimum of ten (10) days' notice of the appeal hearing to the Owner, Occupant and any known agent, by email or registered mail to the last known address of the Owner, Occupant and any agent, which is on file with the Corporation.

Service by email shall be deemed to have been received on the day it is sent. Registered mail shall be deemed to have been received three (3) days after it is sent by the Corporation.

- 9.10 On an appeal, the Committee has all the powers and functions of the Property Standards Officer who made the order, and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of this By-law:

- i. Confirm, modify, or rescind the Order; and
- ii. Extend the time for complying with the Order.

- 9.11 Decisions of the Committee on an Order appeal are final.

- 9.12 Decisions of the Committee shall be provided to the appellant and any agent, with reasons, in writing.

- 9.13 The Decision must be issued to the appellant and any agent within thirty (30) days of the date upon which the Decision is made.

10.0 Certificate of Compliance

- 10.1 At the request of the recipient of an Order, the Property Standards Officer who issued the Order may, after inspecting the subject Land, Structure and or Building, and forming the opinion that they are then in compliance with this By-law, issue a certificate of compliance to the recipient of the Order.

- 10.2 Where an Order was registered against property title under Section 7.5 of this By-law, and the Order is subsequently complied with, the Corporation shall, at the request and expense of the Owner or Occupant, apply to remove the Order from title.

11.0 Offence and Penalty Provisions

- 11.1 Every person who contravenes this By-law, or fails to comply with an Order issued in accordance with this By-law, has committed an offence, pursuant to the *Building Code Act, 1992*, S.O. 1992, c.23.

- 11.2 Every person who interferes with a Property Standards Officer attempting to enforce the provisions of this By-law is guilty of an offence.

11.2.1 Interference with enforcement efforts includes:

- i. attempts to prevent a Property Standards Officer entry to Land for purposes of this By-law;
- ii. removal or destruction of any sign, notice or placard placed upon Land, a Structure or Building, by a Property Standards Officer;
- iii. verbal or physical abuse of a Property Standards Officer in the lawful course of his or her duties; and
- iv. the deliberate relating of false information to a Property Standards Officer in the course of their duties.

11.3 A person who is convicted of an offence under this By-law is subject to the penalties as provided in Section 36 of the *Building Code Act, 1992*, S.O. 1992, c. 23.

12.0 Severability

12.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the remainder of this By-law.

12.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Corporation, the provisions that establish the higher standards to protect the health, safety and welfare of the Owner, Occupant and the general public prevails.

13.0 Effective date

This By-law shall come into force and take effect on the date of its passage.

14.0 Title

This By-law may be referred to as the "Property Standards By-law".

ENACTED AND PASSED IN COUNCIL this ____ day of _____, 2025, as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Mayor

Clerk-Treasurer