

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW No. 21-23

Being a by-law to establish standards for the maintenance and occupancy of property in The Corporation of the City of Elliot Lake and to repeal 03-29

(OFFICE CONSOLIDATION: 24-29)

WHEREAS pursuant to section 15.1(3) of the *Building Code Act (S.O. 1992, c 23*, as amended), a by-law may be passed by the council of a municipality relating to property standards provided that an official plan that includes provisions relating to property conditions is in effect in the municipality;

AND WHEREAS pursuant to section 15.2 (1) of the *Building Code Act S.O. 1992, c. 23* as amended, with proper identification, an officer may enter upon property without warrant for the purpose of inspection;

AND WHEREAS pursuant to the *Environmental Protection Act RSO 1990, c. E.19*, and *Pesticides Act, RSO 1990, c P.11* users of pesticides must take the integrity and safety of humans, animals, and the environment into consideration when making use of pesticide products.

AND WHEREAS any electrically involved construction should be performed in accordance with the regulations set forth in the *Building Code O. Reg. 332/12* and the *Ontario Electrical Safety Code*;

AND WHEREAS pursuant to the *Fire Protection and Prevention Act 1997, SO 1997, c 4*, the members of a fire service may enter onto land within their jurisdiction and inspect structures, materials, areas, equipment and other things for the assurance of fire protection and safety;

AND WHEREAS the *Highway Traffic Act, RSO 1990, c H.8* regulates the prescribed manner by which a vehicle is to be registered, duly plated and validated;

AND WHEREAS pursuant to *Part XIV section 224 (1) of the Residential Tenancies Act 2006, S.O. 2006, c. 17a* a municipality is responsible for receiving, investigating, and bringing to resolution matters in relation to residency maintenance standards;

AND WHEREAS pursuant to section 446 of the *Municipal Act SO 2001, c.25*, the municipality is afforded the right to perform and complete any work ordered of the property owner, should they default on compliance with the order. And the costs of the city's work may be added to the property's tax roll.

AND WHEREAS the Official Plan for the Corporation of the City of Elliot Lake includes provisions relating to property conditions, as such the Council of the Corporation of

the City of Elliot Lake is desirous of passing a by-law under section 15.1 (3) of the *Building Code Act S.O. 1992, c. 23*.

THEREFORE, the Council of The Corporation of the City of Elliot Lake ENACTS AS FOLLOWS:

1.1 DEFINITIONS

In this by law,

“**building**” includes a structure used for or intended for supporting or sheltering any use or occupancy;

“**city**” means The Corporation of the City of Elliot Lake;

“**clerk**” means the City Clerk for The Corporation of the City of Elliot Lake;

“**committee**” means the Property Standards Committee established under this by- law;

“**corporation**” means The Corporation of the City of Elliot Lake;

“**Council**” means the council of The Corporation of the City of Elliot Lake;

“**demolish**” includes the doing of anything in the removal of a building or structure or part thereof;

“**occupant**” includes any person or persons over the age of eighteen years in possession of the property;

“**officer**” means a Municipal Enforcement Officer or other person who has been assigned the responsibility of administering and enforcing this by-law;

“**owner**” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the 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 such facilities, and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established under this by-law;

“**standards**” means the standards of physical condition and occupancy of the property set out in this by-law;

2.1 STANDARDS

- i. The standards for maintenance and occupancy of property set out in Schedule A to this by-law are prescribed as the minimum standards and Schedule A shall form part of this by-law.

3.1 PROHIBITION

- i. No person shall use or occupy, or permit the use or occupancy of any property except in accordance with the standards set out in Schedule A.
- ii. The owner of any property which does not conform to the standards in Schedule A shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and level condition.

4.1 PROPERTY STANDARDS COMMITTEE

- i. There shall be appointed by Council a Property Standards Committee composed of not fewer than 3 members.
- ii. In the event of a vacancy in the membership of the Committee Council shall forthwith fill the vacancy.
- iii. The Committee shall appoint a Chair and any member of the Committee shall administer oaths.
- iv. A majority of the members constitutes a quorum for transacting the Committee’s business.
- v. The members shall provide for a secretary for the Committee.
- vi. The secretary shall keep on file records of all official business of the Committee, including minutes and records of all appeals to the Committee and decisions thereon.
- vii. All hearings of the Committee shall be in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended

5.1 INTERPRETATION

- i. Whenever this By Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By law with the gender applicable to the circumstances.

6.1 ENFORCEMENT

- i. This By law may be enforced by a Chief Building Official or Municipal Enforcement Officer, or their designate.
- ii. No person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power of performing a duty under this By-law.

7.1 PENALTY

- i. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- ii. For the purposes of Subsection (i), each day on which a person contravenes any of the provisions of this By law shall be deemed to constitute a separate offence under this By-law.
- iii. The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By law shall be deemed to be a violation of the provisions of this By law.

8.1 SEVERABILITY / CONFLICT

- i. If any section, subsection, part or parts of this By-law is declared by any court of law to be illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such:
 - a. Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City.
 - b. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of Persons or the environmental well-being of the municipality shall prevail.

9.1 By-Law 03-29 is hereby repealed.

10.1 **THAT** this by-law shall come into effect on the date it is passed by the Council of the Corporation of the City of Elliot Lake.

PASSED this 12th day of April, 2021.

CERTIFICATION BY THE CLERK:

I, N. Bray, Clerk of the Corporation of the City of Elliot Lake, do hereby certify that the above is a true certified copy of By-Law-21-23 which was passed in Open Council on the 12th day of April, 2021.



N. Bray

MAYOR

CITY CLERK

SCHEDULE A
to By-law 21-23

PART I – DEFINITIONS

DEFINITIONS

1. In this Schedule,

“accessory building” means a detached or attached building that is subordinate to the main use of the lot and that is not used or intended for use as a human habitation.

“basement” means that portion of a building other than a storey and which is below the floor surface of the first storey and the floor of which is 760 mm (30 inches) or more below the average finished level of the adjoining ground, and includes a cellar,. A basement shall be counted as a storey for the purposes of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than 1.52 metres (5 feet).

“bathroom” means a room containing a minimum of one toilet, one sink and one bathtub or shower, or two rooms that contain in total a minimum of one toilet, one sink and one bath tub or shower.

“bedroom” means a habitable room used for sleeping purposes.

“Building Code” means regulations (*Building Code O. Reg. 332/12*) made under the *Ontario Building Code Act S.O. 1992, c23, as amended*

“clean and sanitary” means clean and sanitary to the satisfaction of an Officer of the appropriate District Health Authority;

“dwelling” means a building or structure, any part of which contains one or more dwelling units, including a mobile home, which is used or intended to be used for the purpose of human habitation in whole or in part and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair, and also includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;

“dwelling unit” means one or more rooms connected together as a separate unit in the same structure, and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes;

“fire resistance rating” means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity to generally accepted standards as stated in the Building Code;

“ground cover” means organic or non-organic material supplied to prevent the erosion of the soil, examples – concrete, flagstone, gravel, asphalt, grass, or other forms of landscaping.

“habitable room” means any room in a dwelling or dwelling unit used for living, sleeping, cooking or eating purposes, with a minimum height of 2.13 metres (7 feet) except as hereinafter expressly provided;

“non-habitable room” means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communication corridor, stairway, closet, cellar, recreation room in a cellar, boiler room and other space for service and maintenance of the dwelling or for public use, or for access or for vertical travel between storeys;

“noxious weeds” means any weed classified as noxious by the *Weed Control Act, RSO 1990, c W.5* of the Province of Ontario (listed in Schedule “C”);

“person” includes municipalities, public bodies, bodies corporate, societies, and trustees;

“residential property” means a building or structure or part thereof that is used or designed for use as a domestic establishment in which one or more persons usually sleep and/or prepare and serve meals and includes land and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and included vacant property;

“sewage” means any liquid waste containing animal, mineral or vegetable matter in suspension or solution, but does not include roof water or other storm water runoff.

“sewage system” means the municipal sanitary sewer system or a private sanitary sewage disposal system approved by the Ministry of the Environment or the Medical Officer of Health.

“yard” means the land around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used in connection with the said building, whether or not the land is owned by the owner of the building.

PART II – STANDARDS TO ALL PROPERTIES

STRUCTURAL CAPACITY

2. Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight, and any load to which it may normally be subjected. Materials that have been damaged or show evidence of dry rot or deterioration shall be repaired or replaced in a workmanlike manner.

FOUNDATIONS AND FOUNDATION WALLS

3. The foundation walls and basement, cellar or crawlspace floor of a building shall be maintained in good repair and structurally sound condition so as to prevent dangerous settlement, the entrance of moisture, rodents, vermin and insects. Maintenance shall include shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, and waterproofing walls or floors.

EXTERIOR SURFACES

4. (1) (a) The exterior walls of a building shall be maintained so as to prevent their deterioration due to weather and insects and, where necessary, shall be so maintained by painting, restoring or repairing of walls, coping or flashing, by the waterproofing of joints, and by the installation or repairing of termite shields.
4. (1) (b) Exterior walls, roofs and other parts of a building shall be kept free of objects or materials that have been improperly secured or that have become loose or unsecured. Such objects or materials shall be removed, properly secured or replaced.
 - (2) Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or walkways.
 - (3) Appropriate measures shall be taken to remove any unauthorized and/or objectionable markings, stains or other defacement on the exposed exterior surface and to restore the surface and adjacent areas.

ROOFS

5. (1) (a) The Roof of a building shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary, shall be maintained by the repair of the roof and flashing or by applying waterproof coatings or coverings. The roof shall be free of loose or unsafe objects and materials and all other accident and fire hazards. The roof drainage system, where present, shall be kept in good repair, watertight, and free of health and accident hazards.
5. (1) (b) No roof or storm drainage shall be discharged directly onto sidewalks, stairs or neighbouring property. It shall not discharge onto any road surface in the road allowance unless the Corporation's Public Works Department permits this method of drainage.

EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

6. (1) All exterior openings in a building or an accessory building shall be maintained in good repair and in sound, operative condition. This maintenance shall include the painting, or applying of a similarly effective preservative, the repairing or replacing of damaged or decaying doors, windows, shutters, screen or screen hardware. Where an opening is used for ventilation or illumination and is not protected by a window, door or similar closure, it shall be screened with wire mesh, metal grille or other durable material.
 - (2) No exterior window shall be covered with plywood or any other unapproved material except for a reasonable period to enable a damaged window to be repaired or replaced.

FIRE ESCAPES, EXTERIOR AND INTERIOR STAIRS

7. (1) Every fire escape, exterior or interior stairs, porch, balcony or landing, actually in use or available for use, shall be maintained in good repair so as to be free of holes, cracks or other defects that constitute possible accident hazards, and all treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.
- (2) Stairs, landings, ramps, porches, balconies, terraces, passageways, and roof walks shall be equipped with handrails, guardrails, and balustrades according to the Ontario Building Code, and they shall be maintained in good repair so as to provide adequate protection against accident or injury.

INTERIOR WALLS AND CEILINGS

8. (1) Every wall and ceiling in a building shall be maintained in good repair with respect to fire safety, so as to be free of holes, cracks, loose plaster, or other defects that would permit the passage of flame or excessive heat.
- (2) Interior finish materials for acoustical correction, surface insulation, decorative treatment on the surface of walls and ceilings, and interior trim shall be of material that will not, in burning, cause excessive flame or give off excessive amounts of smoke or objectionable or dangerous gases so as to be injurious to health.

FLOORS

9. (a) Every floor in a building shall be smooth and level, and shall be maintained in good repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or openings that might admit rodents into a building. All defective floor surfaces shall be repaired or replaced.
- (b) The floor of every bathroom, shower room and toilet room shall be water resistant and of a type that can be readily cleaned.
- (c) Basement and cellar floors shall be constructed at least to the minimum standards of the building code.
- (d) Below grade floors shall be adequately drained so as to prevent the ponding of water on the floor surface.

DOORS

10. (1) Existing doors, hardware and frames shall be maintained in a sound operative condition. All doors and hardware shall comply with the requirements of the Building Code. Defective or missing hardware shall be repaired or replaced.

ELEVATORS, HOISTS, LIFTS AND MOVING STAIRS

11. All elevators, hoists, lifts and moving stairs shall be maintained in good working order, free of hazards that could cause accidents, and in accordance with the requirements of the Building Code.

EXIT

12. Every building shall have safe, continuous and unobstructed passage from the interior to the exterior of the building at street or grade level. All passageways shall be kept free of rubbish and debris that might create a fire or accident hazard, and shall have adequate lighting. A required means of egress shall not pass through an attached garage, a built-in garage, or an enclosed part of another building. In a mixed-use building, no means of egress shall pass through any part of a dwelling unit unless the occupant of the dwelling unit is also the occupant of the non-residential portion.

FIRE SEPARATION

13. The integrity of all fire separations, firewalls and fire doors shall be maintained at all times so that they will perform their intended function in the event of a fire.

ACCESS TO ENCLOSED SPACE

14. A 510 mm (20 inches) by 710 mm (28 inches) access opening with a door, or its equivalent, shall be provided to every crawlspace or other enclosed space, and to every attic and roof space exceeding 610 mm (2 feet) in height.

GENERAL CLEANLINESS

15. Every floor, wall ceiling, furnishing and fixture in a building shall be maintained in a sanitary condition, and the building shall be kept free of rubbish and debris.

DAMPNESS

16. The floors, ceilings and walls of every building shall be kept free of moisture, dampness and resulting fungus growth.

PEST PREVENTION

17. Buildings shall be kept free of rodents, vermin and insects, and methods used for exterminating them shall be in accordance with the provisions of *The Environmental Protection Act, R.S.O., 1990, Chapter E.19*, and *The Pesticides Act, R.S.O., 1990, Chapter P.11*. Basement or cellar windows used or required for ventilation, and every other opening in a basement or cellar or crawlspace that might permit the entry of rodents, vermin and insects shall be screened with wire mesh or other material that will effectively keep out rodents, vermin and insects.

SEWAGE SYSTEM

18. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping that shall be connected to a municipal sewage system, or to a system approved by the District Health Authority.

PLUMBING SYSTEM.

19. All plumbing systems, drain pipes, water pipes and plumbing fixtures in every building, and every connecting line to the sewage system, shall be maintained in good repair and free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing, these systems shall conform to Part 7 of the Building Code. This article includes internal industrial systems.

TOILET AND BATHROOM FACILITIES

20. Every building shall be provided with toilet and washing facilities equal to the standard required by the Building Code. They shall be fully enclosed so as to provide privacy for the occupant. No toilet or urinal shall be located within a room that is used for the preparation, cooking, storing or consuming of food.

HEATING SYSTEM

21.
 - (a) The heating system of a building shall be maintained in good working condition, capable of heating the building safely to the required standard.
 - (b) No room heater shall be located where it might be a fire hazard to walls, furniture or equipment, nor shall it obstruct the path of egress from the room in which the heater is located.
 - (c) A space that contains a heating unit shall have natural or mechanical means of supplying air in quantities that will provide adequate combustion.
 - (d) All heating and cooking apparatus or equipment involving combustion that requires a connection to a chimney or flue shall be properly connected to a chimney or a flue by a rigid and permanently sealed connection.
 - (e) Every chimney, smoke pipe, flue and gas vent actually in use or available for use shall be maintained so as to prevent gases from leaking into the building. They shall be kept clear of obstructions, all joints shall be sealed, and all broken or loose masonry shall be repaired.
 - (f) Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected to approved chimneys, smoke pipes or flues that are separate from any flue that acts as a gas vent. They shall be installed so that there is no danger of fire to adjacent combustible material or structural members.

- (g) Where a heating system or part of it, or any auxiliary heating system, burns solid fuel or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free of fire or accident hazards.
- (h) Where required by the Building Code, a fuel-burning central heating system in a mixed-use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than that required for new construction of such a room, in accordance with the Building Code.
- (i) Subsection 21 (h) does not apply where there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of not less than that required by the Building Code for similar new construction.

ELECTRICAL SYSTEM

- 22. (a) Electrical systems, wiring, conduit and electrical services in every building shall comply with the Building Code, and lighting equipment shall be installed throughout the building to provide adequate illumination for the intended use of each space.
- (b) Fuses or overload devices shall not exceed limits set by The Ontario Electrical Safety Code.

VENTILATION

- 23. (1) Every habitable room or rooms where persons work or are expected to work shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of 0.279 square metres (3ft²), and shall be located in the exterior walls or through openable parts of skylights. Openings shall be adequately screened to prevent the entry of insects, rodents or other vermin.
- (2) An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air at least once each hour. All systems of mechanical ventilation shall be maintained in good repair.
- (3) Every basement or cellar or crawlspace shall be adequately vented to the outside air by means of screened windows that can be opened, or by louvers with screened openings, the area of which shall be not less than 0.1858 square metres (2ft²) for every 92.9 square metres (1,000ft²) of enclosed area. An opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

FIRE PROTECTION EQUIPMENT

- 24. (a) Fire alarm systems and ancillary devices, standpipe and hose systems, sprinkler systems automatic fire extinguishing systems, smoke control systems, private fire hydrants, voice communication systems, exit and emergency lighting equipment and fire extinguishers shall be maintained in good working order and repaired or replaced when necessary.

- (b) Fire protection equipment is subject to approval by the Fire Chief and periodic inspections by fire department personnel in accordance with the *Fire Protection and Prevention Act, 1997, SO 1997, c 4*.

ACCESSORY BUILDINGS AND FENCES

25. Accessory buildings and all fences shall be kept in good repair and free of fire, health or accident hazards.

YARDS, GROUNDS AND VACANT LOTS

26. (1) Every person shall keep every yard and vacant lot and all grounds, owned or occupied by them, free and clear of:
- (a) objects or conditions that might create health, fire or accident hazards.
 - (b) rubbish, garbage, brush, waste, litter and other debris;
 - (c) termites, rodents, vermin or other similar pests and animals and any condition which might result in the harbouring of such rodents, vermin, pests and animals;
 - (d) excessive growth of grass, grass cover, hedges, bushes, trees and other natural growth which creates or may create an unsafe or unsightly condition;
 - (e) decayed or damaged trees or other decayed or damaged natural growth, the branches and limbs of which create or may create an unsafe condition;
 - (f) an excessive accumulation of materials which is out-of-character with the surrounding environment;
 - (g) an excessive accumulation of machinery or parts thereof which are apparently unused or which are out-of-character with the surrounding environment;
 - (h) potholes, excavations, holes and depressions which create an unsafe condition;
 - (i) ponding and any accumulation of water which creates or may create an unsafe condition;
 - (j) vehicles, boats or trailers which are wrecked, dismantled, discarded, unused or which do not openly display any permit, licence, certificate, plate or validation sticker which is required pursuant to the provisions of the *Highway Traffic Act S.O. 1992, c. 23* or other similar legislation, except:
 - (i) where all such vehicles, boats and trailers are within an enclosed building; or,
 - (ii) where, in the case of a salvage yard, when in compliance with the salvage yard by-law and is permitted on such lands; or,

- (iii) where, in the case of boats and trailers, a permitted purpose in respect of such lands is the sale and storage of boats and trailers; or,
 - (iv) where a vehicle for which the occupant of any residential premises is repairing for his/her own use so long as such repair is actively carried on and is not for commercial purposes; or,
 - (v) where it is proven to the satisfaction of the Officer that such vehicle, trailer, boat or mechanical equipment is required for business purposes, other than a salvage yard, and such use is permitted, a suitable screening shall be provided.
- (k) dilapidated, collapsed or partially constructed buildings, structures or erections which are not currently under construction;
 - (l) any other unsafe condition; or,
 - (m) any other unsightly condition out-of-character with the surrounding environment; or,
 - (n) any noxious weed (listed in Schedule “B”), as defined by the *Weed Control Act RSO 1990 c W.5*.
- (2) Suitable ground cover such as gravel, sod, crushed stone, or equivalent surfacing, shall be provided on all open areas of any yard, to prevent soil erosion.
- (3) Garbage Disposal:
- (a) The owner of every building shall provide sufficient garbage receptacles or containers or garbage enclosures of sufficient size so as to keep all grounds, or yards owned or occupied by them free and clear of rubbish, garbage, brush, waste, litter and other debris. All garbage and refuse shall be stored in sanitary containers and shall be made readily accessible for easy removal, and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time that might constitute a fire, health or accident hazard.
 - (b) Receptacles for exterior garbage or refuse storage shall be a plastic bag placed in other containers made of watertight construction and provided with tight-fitting covers and maintained in a clean state.
 - (c) All garbage, refuse and ashes shall be made available for removal in accordance with the City’s Garbage by-law.
- (4) Drainage: All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the entrance of water into a basement, cellar, crawlspace or any level of neighbouring property.
- (5) Walks: Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to allow safe passage under normal use and any weather conditions.
- (6) Driveways and Parking Areas: All areas used for vehicular traffic and parking shall be constructed of at least crushed stone. Asphalt, concrete or equivalent

surfacing shall be in accordance with other City By-laws. All surfaces shall be kept in good repair and well drained.

PART III – ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

DOORS

27. At least one entrance door to every dwelling unit shall be capable of being locked from the outside as well as the inside.

WINDOWS

28. In a dwelling unit there shall be provided a glazed exterior door; a glazed window shall be provided in a living room and in each bedroom. The total glass area shall be at least 10% of the floor area of the room it serves.

STORAGE SPACE

29. (1) Every dwelling unit shall be provided with space for the storage of linen and clothes. This may include free-standing wardrobes and/or satisfactory hook racks.
- (2) Every dwelling unit shall be provided with space for general storage. In a multiple dwelling, such space may be in a communal general storage area.

WATER

30. (1) Every dwelling unit shall be provided with an adequate supply of piped potable water from a source approved by the District Health Authority.
- (2) Every sink, washbasin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.
- (3) Every water heater installed for the purpose of supplying hot running water to the occupants of a dwelling unit shall be capable of heating water to a temperature of 49.0 degrees Centigrade (120 degrees Fahrenheit).
- (4) A supply of water sufficient to adequately flush the toilet shall be supplied to every toilet.

TOILET AND BATHROOM FACILITIES

31. (1) Except as otherwise provided in subsection 31(2) every dwelling unit shall contain plumbing fixtures consisting of at least one toilet, one washbasin, and one bathtub or shower. All bathrooms and toilet rooms shall be located within, and accessible from, the dwelling unit.

- (2) The occupants of more than two dwelling units may share a single bathroom, provided that a total of not more than ten persons occupy the dwelling units, and provided that access to the bathroom can be gained without going through habitable rooms of another dwelling unit or through an open area that is not normally heated during the season in which heat is required.

KITCHEN FACILITIES

32. Each dwelling unit shall have a kitchen area for the preparation and cooking of food which shall contain a sink and cooking apparatus. The sink shall have a hot and cold water supply, be connected to a sanitary drainage system, and be in good repair and working order. There shall be a clear space above any exposed cooking surface of a cooking apparatus of at least 610 mm (24 inches). The cooking apparatus must conform to the appropriate provincial regulations governing the type of fuel being used for such cooking purposes.

HEATING SYSTEM

33. (1) Every dwelling unit shall be provided with a heating system capable of continuously maintaining a room temperature under all conditions of 20.0 degrees Centigrade (68 degrees Fahrenheit) in all habitable rooms, bathrooms and toilet rooms, in accordance with the *Residential Tenancies Act 2006, SO 2006 c.17* unless otherwise permitted by the District Health Authority.
- (2) In dwellings that contain more than two dwelling units and have a common central heating system, the heating system shall be located in a separate room having floors, walls, doors and a ceiling with a fire resistance rating of not less than one hour. The room shall not be used for the storage of fuels or any other material, and shall be kept clean of all debris and rubbish.
- (3) Barbecues shall not be used within a multiple dwelling, or on a balcony.

ELECTRICAL SYSTEM

34. (1) In every dwelling unit an adequate and safe lighting fixture shall be installed in every kitchen, bathroom, toilet room, laundry room, utility room, furnace room, vestibule, hall and stairway.
- (2) All common halls and stairs in multiple dwellings shall be continuously illuminated at an average of 50 lx at all points of the floor or tread area in accordance with the *Building Code O. Reg. 332/12 section 9.9.12.2*.

VENTILATION

35. (1) Every bathroom or room containing a toilet or urinal shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylight openings, and all such openings shall have a minimum aggregate, unobstructed free flow area of 0.0929 metres square (1ft²). Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- (2) Any opening for natural ventilation may be omitted from a bathroom or a room containing a toilet or urinal where a system of mechanical ventilation

has been provided, such as an exhaust fan with a duct leading to outside the dwelling unit which will provide at least one air change per hour.

EXIT

36. In a building that contains more than one dwelling unit, each dwelling unit shall have a safe, continuous and unobstructed passage from the interior to the exterior of the building at street or grade level. All passageways shall be kept free of rubbish and debris that might create a fire or accident hazard, and shall have adequate lighting. A required means of egress shall not pass through an attached garage, a built-in garage, an enclosed part of another building, or another dwelling unit.

WALKS

37. A hard-surfaced walk shall be provided from every dwelling unit to the street, or to a hard-surfaced driveway that connects to the street. For the purposes of this section, any walk or driveway covered with crushed stone shall be deemed to be "hard-surfaced".

OCCUPANCY STANDARDS

38. (1) The maximum number of occupants in a dwelling unit shall not exceed one person per 9.29 square metres (100ft².) of total floor area of all the habitable rooms.
- (2) For the purposes of computing the habitable floor area, the floor area under a ceiling that is less than 2.13 metres (7 ft.) high shall not be counted unless there is a sloping ceiling, then the habitable floor area shall be in accordance with regulations in the Ontario Building Code.
- (3) No hallway shall be used as a bedroom.
- (4) No room in a dwelling shall be used as a bedroom unless it has a minimum width of 2.0 metres (6 ft. 6 in.) and a minimum floor area of 5.57 square metres (60ft².). A room used as a bedroom by two or more persons shall have a floor area of at least 3.72 square metres (40 ft²) for each person using the room.
- (5) At least one half of the required minimum floor area of the bedroom shall have a ceiling height of 2.13 metres (7 ft.), and no floor area with a ceiling height of less than 1.37 metres (4 ft. 6 in.) shall be counted.
- (6) A non-habitable room shall be separated from the common central heating system, water heating system and incinerator by a fire separation having a fire resistance rating of at least one hour.

PART IV-ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTY

EXTERIOR VENTS

39. Where mechanical ventilation is used, the ventilating duct discharge on the exterior wall shall not be located closer than 1.83 metres (6 ft.) from a window or door located in an adjoining building.

GENERAL CLEANLINESS

40. All surfaces or corridors, halls and stairs shall be maintained in a clean condition, free of all debris and rubbish.

KITCHEN FACILITIES

41. (1) Every room in which meals are prepared shall have a sink that:
- (a) has a splashback and a drainboard made of material impervious to water.
 - (b) is served with hot and cold running water;
 - (c) is connected to a drainage system;
 - (d) is in good repair and working order;
 - (e) is approved by the District Health Authority.

TOILET AND BATHROOM FACILITIES

42. (1) Properties where people work shall have a minimum of one toilet and one washbasin supplied with running water, located in an enclosed room conveniently accessible to the employees.
- (2) All toilet rooms shall be fully enclosed and with a door capable of being locked so as to ensure privacy, in accordance with the *Occupational Health and Safety Act, RSO 1990, c O.1*. Where the toilet room contains more than one water closet or toilet, each water closet shall be provided with a compartment with a locking door to ensure privacy.
- (3) All toilet facilities and toilet rooms shall be kept clean and neat at all times, and the toilet room walls and ceilings shall be provided with a smooth surface that is easily cleaned. All floors shall be of a construction that is impervious to water.
- (4) An adequate supply to toilet paper shall be provided at each water closet, and towels or other means of drying shall be provided at the washbasins.
- (5) Every toilet room shall be provided with an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area of 0.0929 square metres (1ft²), and shall be located in the exterior walls or through openable parts of a skylight. An opening for natural ventilation may be omitted from a toilet room where a system of

mechanical ventilation has been provided, such as an exhaust fan with a duct leading to the outside and which will provide at least one air change per hour.

HEATING SYSTEMS

43. Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in active physical activity, the heating equipment shall be capable of providing adequate and suitable heat in such spaces or rooms during working hours, as specified in *Occupational Health and Safety Act, RSO 1990, c O.1*.

ELECTRICAL SYSTEM

44. Sufficient lighting fixtures shall be provided and maintained in order to furnish illumination of an average of 50 lx at all points of floor or tread area in accordance with the *Building Code O. Reg. 332/12 section 9.9.12.2*. Extension cords that are not part of a fixture shall not be permitted on a semi-permanent basis.

SIGNS

45. All signs and billboards shall be maintained in good repair and in a structurally sound condition, and any signs that are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked, shall be removed or repaired along with their supporting hardware.

WALKS, DRIVEWAYS AND PARKING AREAS

46. (1) Communal walkways, driveways, ramps, parking areas, outside steps and landings shall be promptly cleared of snow, and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces. Walkways shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth and safe surface for pedestrian traffic.
- (2) All areas used for vehicular traffic, parking, and facilities for loading and unloading shall be kept free of dirt and refuse, maintained in good repair, and adequately drained to prevent ponding.

RECREATION

47. All recreational areas and parks shall be kept in a safe condition, and equipment provided for them shall be safe and operable.

END

THE CORPORATION OF THE CITY OF ELLIOT LAKE
SCHEDULE “B”
PROPERTY STANDARDS BY-LAW NO. 21-23
PART 1 PROVINCIAL OFFENCES ACT
SET FINES

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit structurally unsound building	Sch. A, Section 2	\$300.00
2	Permit structurally unsound foundation	Sch. A, Section 3	\$300.00
3	Fail to maintain exterior of building	Sch. A, Section 4 (1)(a)	\$75.00
4	Permit loose or insecure objects – exterior walls	Sch. A, Section 4 (1)(b)	\$105.00
5	Inadequate air conditioner drainage-sidewalks or entranceways	Sch. A, Section 4 (2)	\$75.00
6	Objectionable markings, stains on exposed exterior wall	Sch. A, Section 4 (3)	\$75.00
7	Roof not watertight or safe	Sch. A, Section 5 (1)(a)	\$205.00
8	Permit drainage discharge on roadway	Sch. A, Section 5 (1)(b)	\$75.00
9	Permit drainage discharge on sidewalk, stairs, or neighboring property	Sch. A, Section 5 (1)(b)	\$75.00
10	Fail to maintain building exterior openings	Sch. A, Section 6 (1)	\$75.00
11	Fail to repair damaged window	Sch. A, Section 6 (2)	\$75.00
12	Fail to maintain fire escapes and exits	Sch. A, Section 7 (1)	\$155.00
13	Fail to provide or maintain handrails or guardrails	Sch. A, Section 7 (2)	\$105.00
14	Fail to maintain building in a fire safe state	Sch. A, Section 8 (1)	\$150.00
15	Use hazardous material in a building	Sch. A, Section 8 (2)	\$205.00
16	Permit defective floor area in building	Sch. A, Section 9 (a)	\$75.00
17	Bathroom floor not water	Sch. A, Section 9 (b)	\$75.00

	resistant		
18	Basement floor non-compliant to building code	Sch. A, Section 9 (c)	\$75.00
19	Below grade floor inadequately drained	Sch. A, Section 9 (d)	\$105.00
20	Fail to maintain elevators in safe or sound condition	Sch. A, Section 11	\$300.00
21	Fail to maintain hoists in safe or sound condition	Sch. A, Section 11	\$300.00
22	Fail to maintain lifts in safe or sound condition	Sch. A, Section 11	\$300.00
23	Fail to maintain moving stairs in safe or sound condition	Sch. A, Section 11	\$300.00
24	Fail to have or maintain exits	Sch. A, Section 12	\$300.00
25	Fail to have or maintain fire separation	Sch. A, Section 13	\$150.00
26	Fail to provide door for crawl space	Sch. A, Section 14	\$75.00
27	Fail to provide door for attic space	Sch. A, Section 14	\$75.00
28	Fail to provide door for roof space	Sch. A, Section 14	\$75.00
29	Fail to maintain building in sanitary or clean condition	Sch. A, Section 15	\$75.00
30	Fail to keep floors free of dampness	Sch. A, Section 16	\$75.00
31	Fail to keep building free of rodents or other vermin	Sch. A, Section 17	\$75.00
32	Fail to adhere to legislated environmental safety standards	Sch. A, Section 17	\$125.00
33	Fail to maintain adequate sewage system	Sch. A, Section 18	\$105.00
34	Fail to maintain adequate plumbing system	Sch. A, Section 19	\$75.00
35	Fail to provide approved bathroom or toilet facilities	Sch. A, Section 20	\$205.00
36	Fail to provide adequate heating system	Sch. A, Section 21 (a)	\$155.00

37	Improperly locate room heater	Sch. A, Section 21 (b)	\$150.00
38	Inadequate air supply to heater	Sch. A, Section 21 (c)	\$75.00
39	Improper chimney or flue connection	Sch. A, Section 21 (d)	\$150.00
40	Fail to maintain vents	Sch. A, Section 21 (e)	\$75.00
41	Improperly installed fireplace	Sch. A, Section 21 (f)	\$105.00
42	Permit unsafe fuel storage	Sch. A, Section 21 (g)	\$300.00
43	Non-compliant fire separation of fuel burning heating system	Sch. A, Section 21 (h)	\$150.00
44	Non-compliant electrical system	Sch. A, Section 22 (a)	\$205.00
45	Fuses or overload devices exceed OESC limits	Sch. A, Section 22 (b)	\$300.00
46	Fail to provide adequate ventilation	Sch. A, Section 23 (1)	\$155.00
47	Mechanical ventilation in disrepair	Sch. A, Section 23 (2)	\$75.00
48	Inadequate ventilation – basement, cellar, or crawlspace	Sch. A, Section 23 (3)	\$75.00
49	Fail to provide adequate fire protection equipment	Sch. A, Section 24 (a)	\$150.00
50	Fail to maintain accessory buildings	Sch. A, Section 25	\$75.00
51	Fail to maintain fence	Sch. A, Section 25	\$75.00
52	Fail to keep yard free of hazards	Sch. A, Section 26 (1)(a)	\$105.00
53	Fail to keep yard free of debris	Sch. A, Section 26 (1)(b)	\$75.00
54	Fail to keep yard free of pests	Sch. A, Section 26 (1)(c)	\$75.00
55	Permit excessive accumulation of materials out of character with the environment	Sch. A, Section 26 (1)(d)	\$75.00
56	Fail to remove decayed or damaged vegetation	Sch. A, Section 26 (1)(e)	\$75.00
57	Permit excessive accumulation of materials out of character	Sch. A, Section 26 (1)(f)	\$75.00

	with environment		
58	Permit excessive accumulation-materials out of character with environment	Sch. A, Section 26 (1)(g)	\$75.00
59	Permit holes, depressions creating unsafe conditions	Sch. A, Section 26 (1)(h)	\$105.00
60	Permit accumulation of water creating unsafe conditions	Sch. A, Section 26 (1)(i)	\$105.00
61	Permit wrecked or inoperable vehicle, boat or trailer in yard	Sch. A, Section 26 (1)(j)	\$75.00
62	Permit dilapidated structure not under construction	Sch. A, Section 26 (1)(k)	\$75.00
63	Permit unsafe yard condition	Sch. A, Section 26 (1)(l)	\$105.00
64	Permit unsightly yard condition	Sch. A, Section 26 (1)(m)	\$75.00
65	Permit growth of noxious weed	Sch. A, Section 26 (1)(n)	\$105.00
66	Fail to provide suitable ground cover	Sch. A, Section 26 (2)	\$75.00
67	Fail to provide sufficient garbage containers	Sch. A, Section 26 (3)(a)	\$75.00
68	Improper storage of garbage	Sch. A, Section 26 (3)(a)	\$75.00
69	Inadequate garbage receptacles	Sch. A, Section 26 (3)(a)	\$75.00
70	Fail to provide adequate drainage	Sch. A, Section 26 (4)	\$75.00
71	Fail to maintain walks	Sch. A, Section 26 (5)	\$75.00
72	Fail to maintain suitable driveway	Sch. A, Section 26 (6)	\$75.00
73	Entrance door incapable of being locked from outside	Sch. A, Section 27	\$75.00
74	Inadequate windows or door with glazed window	Sch. A, Section 28	\$75.00
75	Inadequate storage for linen and clothes	Sch. A, Section 29 (1)	\$75.00
76	Inadequate general storage	Sch. A, Section 29 (2)	\$75.00
77	Inadequate potable water	Sch. A, Section 30 (1)	\$105.00

78	Inadequate water supply for sanitation	Sch. A, Section 30 (2)	\$105.00
79	Inadequate heat of water	Sch. A, Section 30 (3)	\$105.00
80	Insufficient water supplied to flush waste	Sch. A, Section 30 (4)	\$105.00
81	Inadequate sanitary facilities	Sch. A, Section 31 (1)	\$75.00
82	Inadequate kitchen facilities	Sch. A, Section 32	\$75.00
83	Inadequate heating system	Sch. A, Section 33 (1)	\$75.00
84	Improper location of heating system	Sch. A, Section 33 (2)	\$205.00
85	Improper use of furnace room	Sch. A, Section 33 (2)	\$75.00
86	Illegal use of barbecue	Sch. A, Section 33 (3)	\$155.00
87	Inadequate lighting in dwelling unit	Sch. A, Section 34 (1)	\$105.00
88	Inadequate lighting in common halls or stairs	Sch. A, Section 34 (2)	\$105.00
89	Bathroom/toilets - Inadequate natural ventilation	Sch. A, Section 35 (1)	\$75.00
90	Bathroom/toilets - Inadequate mechanical ventilation	Sch. A, Section 35 (2)	\$75.00
91	Inadequate exit	Sch. A, Section 36	\$205.00
92	Inadequate walkway	Sch. A, Section 37	\$75.00
93	Exceed maximum occupancy level	Sch. A, Section 38 (1)	\$205.00
94	Use hallway as bedroom	Sch. A, Section 38 (3)	\$75.00
95	Undersized bedroom	Sch. A, Section 38 (4)	\$75.00
96	Inadequate fire separation – non-habitable room	Sch. A, Section 38 (6)	\$155.00
97	Improperly located ventilation discharge	Sch. A, Section 39	\$105.00
98	Fail to maintain corridors, halls, and stairs	Sch. A, Section 40	\$75.00
99	Inadequate splash back or drain board	Sch. A, Section 41 (1)(a)	\$75.00

100	Inadequate hot or cold water	Sch. A, Section 41 (1)(b)	\$205.00
101	Sink not connected to drainage system	Sch. A, Section 41 (1)(c)	\$75.00
102	Sink in state of disrepair	Sch. A, Section 41 (1)(d)	\$75.00
103	Sanitary facility unclean	Sch. A, Section 42 (3)	\$75.00
104	Insufficient sanitary supplies	Sch. A, Section 42 (4)	\$75.00
105	Inadequate heating system	Sch. A, Section 43	\$155.00
106	Insufficient lighting in passageways or stairways	Sch. A, Section 44	\$105.00
107	Fail to maintain signs	Sch. A, Section 45	\$75.00
108	Fail to remove snow on walkway	Sch. A, Section 46 (1)	\$75.00
109	Fail to remove snow on driveway	Sch. A, Section 46 (1)	\$75.00
110	Permit icy conditions on walkway	Sch. A, Section 46 (1)	\$75.00
111	Permit icy conditions on driveway	Sch. A, Section 46 (1)	\$75.00
112	Fail to maintain area used for vehicular traffic	Sch. A, Section 46 (2)	\$75.00
113	Fail to maintain recreation area in safe condition	Sch. A, Section 47	\$75.00

Note: the general penalty provision for the offences listed above is Section 7.1 of By-law 21-23, a certified copy of which has been filed.

THE CORPORATION OF THE CITY OF ELLIOT LAKE
SCHEDULE “C”
PROPERTY STANDARDS BY-LAW NO. 21-23
PART 1 PROVINCIAL OFFENCES ACT
NOXIOUS WEED LIST*

1. Black Dog-Strangling Vine;
2. Bull Thistle;
3. Canada Thistle;
4. Coltsfoot;
5. Common Barberry;
6. Common Crupina;
7. Cypress Spurge;
8. Dodder;
9. Dog-Strangling Vine;
10. European Buckthorn;
11. Giant Hogweed;
12. Jointed Goatgrass;
13. Knapweed;
14. Kudzu;
15. Leafy Spurge;
16. Poison Hemlock;
17. Poison Ivy;
18. Ragweed;
19. Serrated Tussock;
20. Smooth Bedstraw;
21. Sow Thistle;
22. Tansy Ragwort;
23. Wild Chervil;
24. Wild Parsnip;
25. Woolly Cupgrass.

*Sourced: Ontario Ministry of Agriculture Food and Rural Affairs (as amended) - http://www.omafra.gov.on.ca/english/crops/facts/noxious_weeds.htm

SCHEDULE D
to By-law 21-23
City of Elliot Lake
Property Standards Committee

Rules of Procedure for the Property Standards Committee (By-Law 24-29)

1. Definitions

“Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

“Agent” means a lawyer, licenced paralegal or other individual authorized to represent a party to an appeal.

“Appellant” means the person who has filed a Notice of Appeal requesting a hearing before the Committee in respect of the Property Standards By-law.

“Chair” means the Chair of the Committee.

“Clerk” means the City Clerk, or his or her designate.

“Committee” means the Property Standards Committee of the City established pursuant to the Property Standards By-law.

“Council” means the Council of the City.

“Hearing” means a hearing of the Committee held pursuant to section 15.3 of the *Act*.

“Member” means a member of the Committee.

“Property Standards By-law” means the City’s Property Standards By-law passed pursuant to section 15.1 of the *Act*.

“Rules” means these Rules of Procedure for the Property Standards Committee.

2. Application

2.1. These Rules shall be observed in all Hearings of the Committee.

3. Matters not dealt with in Rules

3.1. If these Rules do not provide for a matter of procedure that arises during a Hearing, the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

3.2. All Hearings of the Committee shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22 and the *Act*.

4. Committee Chair

- 4.1. At its first Hearing, the Committee shall elect one of its members as Chair for the term of Council that appointed the member and until a successor is appointed.
- 4.2. When the Chair is absent through illness or otherwise, the Committee may appointed another member as Acting Chair.
- 4.3. The Chair shall preside over Hearings of the Committee and shall have the following duties and responsibilities:
 - (a) calling the Hearing to order when there is a quorum;
 - (b) presiding over the proceedings of the Committee, including facilitating Committee business, identifying the order of proceedings, conducting votes, ruling on points of order or points of privilege, and administering oaths;
 - (c) ensuring that these Rules are observed and enforcing decorum; and
 - (d) participating as an active member of the Committee, including making motions and voting on all matters.

5. Committee Secretary

- 5.1. The Clerk is appointed as Secretary of the Committee and may delegate to administrative responsibilities to a Deputy Secretary.

6. Notice of Appeal; Commencing Hearings

- 6.1. An Appeal is commencing by filing a Notice of Appeal with the Clerk in accordance with the provisions of the *Act*.
- 6.2. An Appellant shall advise the Clerk in writing whether they will be represented by an Agent, who may appear at the Hearing and act on behalf of the Appellant. If the Agent is not a person licensed under the *Law Society Act*, R.S.O. c. L.8, the Appellant shall provided written authorization for the Agent to act on his or her behalf.
- 6.3. Within 60 days of receiving a Notice of Appeal, the Clerk shall:
 - (a) contact the members to advise them of the Appeal and confirm quorum for a hearing date; and
 - (b) schedule a hearing, and give reasonable notice to the required parties.
- 6.4. The Notice of Hearing shall contain:
 - (a) the date, time, location and purpose of the Hearing;

- (b) reference to the statutory authority under which the hearing will be held; and
 - (c) a statement that if the Appellant or his or her Agent does not attend the hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.
- 6.5. Notice may be given by mail, registered mail, or email if the Appellant has provided an email address.
- 6.6. The Clerk shall prepare an agenda for each Hearing which shall include all appeals to be dealt with at that Hearing.
- 6.7. The Clerk shall prepare a hearing brief for each Appeal which shall be provided to the parties and the Members, which shall contain, without limitation, the Property Standards By-law, these Rules, the Property Standards Order being appealed from, and the Notice of Appeal.

7. Serving and Filing Documents

- 7.1. If a party intended to rely on or produce any written or documentary evidence at the Hearing, the party is required to serve one copy of the documents on all other parties and file a copy of the same with the Clerk no later than 5 days prior to the date of the Hearing.
- 7.2. Where a party fails to disclose or serve a document in accordance with section 7.1, the Committee shall have discretion to decline to enter the document into evidence and may make such other orders as it deems appropriate in the circumstances.
- 7.3. Any document required to be served in accordance with these Rules may be served as follows:
- (a) by regular mail, in which case service is deemed effective on the fifth day after mailing;
 - (b) by registered mail; or
 - (c) by email, if the party has provided an email address, in which case service is deemed effective on the day it is sent, unless sent after 5:00 p.m., in which case service is deemed effective on the next day.

8. Hearing Procedures

- 8.1. Hearings shall be conducted in accordance with the following order of proceedings:
- (a) Opening Statement by the Chair
 - (b) Preliminary Motions
 - (c) Identification of Parties

(d) Hearing of Appeals

1. City's Case

- i. Presentation of Property Standards Order and related evidence
- ii. Cross-examination or Questioning by Appellant, if represented by legal counsel
- iii. Questioning by Committee

2. Appellant's Case

- i. Presentation of Appeal and related evidence
- ii. Cross-examination or Questioning by City, if represented by legal counsel
- iii. Questioning by Committee

3. City Reply

- iv. City Right to Reply to matters which could not have been raised prior to the Appellant's Case, if necessary

(e) Closing Submissions by City and Appellant

(f) Private Deliberations by Committee

(g) Committee Decision

8.2. The Committee shall give brief written reasons for its decision.

8.3. The Committee may provide its decision orally, with an indication that brief written reasons will follow, or may reserve its decision.

8.4. Notwithstanding the order of proceedings set out in this section 8, the Committee may, at any time, as it deems necessary, grant exceptions to ensure that the real questions in issue are determined in a fair and just manner, so long as such exceptions are consistent with the principles of fairness, subject to applicable legislation.

9. Voting

9.1. All Members, including the Chair, must vote on all motions or other questions submitted to the Committee, unless the Member has declared a conflict of interest.

9.2. All votes shall be decided by a majority vote.

9.3. In the case of a tie vote, the motion or question shall be deemed to have been lost.