

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 03-29

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 By-law No. 79-15.

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 the Official Plan for the Corporation of the City of Elliot Lake includes provisions relating to property conditions:

AND WHEREAS 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.

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake hereby **ENACTS AS FOLLOWS.**

DEFINITIONS

1. 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 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 property standards officer 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;

SCOPE

2. This by-law shall apply to all property in the City.

STANDARDS

3. 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.

PROHIBITION

4. (1) 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.

(2) 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.

PROPERTY STANDARDS COMMITTEE

- (1) There shall be appointed by Council a Property Standards Committee composed of not fewer than 3 members.
- (2) In the event of a vacancy in the membership of the Committee Council shall forthwith fill the vacancy.
- (3) The Committee shall appoint a Chair and any member of the Committee shall administer oaths.
- (4) A majority of the members constitutes a quorum for transacting the Committee's business.
- (5) The members shall provide for a secretary for the Committee.
- (6) 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.
- (7) 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), as amended.

PENALTY

- 6. Any person who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the Provincial Offences Act.

REPEAL

- 7. By-law number 79-15 is hereby repealed.

SHORT TITLE

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

PASSED this 26th day of May, 2003.

MAYOR

CITY CLERK

