



By-law 2017-26

A by-law to establish Standards for the maintenance and occupancy of Property in the City of Markham.

(PROPERTY STANDARDS BY-LAW)

WHEREAS section 15.4 of the Building Code Act, 1992 S. O. c. 23 (as amended) authorizes Council to cause a property that has been the subject of a confirmed Property Standards order to be repaired or demolished under certain circumstances; and,

WHEREAS under Sections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended, a by-law may be passed by the Council of a municipality prescribing the minimum standards for the maintenance of the Heritage Attributes of designated heritage properties or properties situated in a heritage conservation district provided that a By-law passed under Section 15.1 of the Building Code is in effect in the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

This By-law may be cited as the Property Standards By-law.

2. DEFINITIONS

In this By-law:

Accessory Building means a detached subordinate building on the same lot as the main building;

Building Code means the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and any successor legislation;

City means the Corporation of the City of Markham;

Committee means the Property Standards Committee established pursuant to the provisions of this By-law;

Dwelling means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, fences and erections thereon or therein;

Dwelling Unit means one (1) or more rooms connected together as a separate unit in the same dwelling and constituting an independent housekeeping unit, for residential occupancy by humans with facilities for a bathroom with a water closet and basin, and facilities for persons to sleep and cook;

Driveway means the minimum defined area required to provide access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property "driveway" means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area;

Equipment means anything on a property which is capable of holding water, including but not limited to, swimming pools, wading pools, hot tubs, tires, cars, boats, garden fixtures and containers of any kind;

Ground Cover means organic or non-organic material that covers the ground, and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;

Heritage Attribute means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined, described or that can be reasonably inferred:

- i. in a By-law designating a property passed under Section 29, Part IV, of the **Ontario Heritage Act**, and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- ii. in a Minister's order made pursuant to Section 34.5, Part IV of the **Ontario Heritage Act** and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- iii. in a By-law designating a heritage conservation district passed under Section 41, Part V of the **Ontario Heritage Act** and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- iv. in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or
- v. the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the **Heritage Attributes** and without which the **Heritage Attributes** may be at risk.

Heritage Permit means a permit issued by the **City** related to alteration work on **Heritage Property**;

Heritage Property means a property designated under the **Ontario Heritage Act**.

Inoperable Vehicle means a motor vehicle as defined by the **Highway Traffic Act, R.S.O. 1990, C.H. 8**, as amended, that is not in good repair and capable of being operated on a highway. It includes a vehicle that does not display a valid vehicle permit license plate issued under the **Highway Traffic Act**, as amended;

Last Known Address means the address which appears on the Assessment Rolls of the **City**;

Manager, Heritage Planning means the Manager, Heritage Planning of the **City**, or his/her designate;

Medical Officer of Health means the Medical Officer of Health for the Region of York;

Nuisance means an injurious, offensive or objectionable condition;

Occupant means any person or persons over the age of eighteen (18) years in possession of the property;

Officer means a Property Standards Officer of the **City**, duly appointed by By-law to administer and enforce the provisions of this By-law;

Ontario Heritage Act means the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended, and any successor legislation;

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 the person's 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 a lease, is required to repair and maintain the property in accordance with the standards for 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 is divided into:

- (a) **Non-Residential Property** means property which is not occupied nor capable of being occupied in whole or in part for the purpose of human habitation,
- (b) **Residential Property** means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation; and
- (c) **Vacant land** means property on which there are no structures of any kind but does not include open space land designated as such by the City;
- (d) **Heritage Property** means real property, including all buildings, structures and features thereon:
 - i. that has been designated by the **City** under Section 29 of the Ontario Heritage Act, or that has been designated by the Minister under Section 34.5 of the Ontario Heritage Act, or
 - ii. that is located within a heritage conservation district which has been designated by the **City** under Section 41 of the Ontario Heritage Act;

Repair includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law;

Sewerage system means the sanitary sewerage system or storm sewerage system of Markham or the Regional Municipality of York, or an approved private sewerage disposal system;

Standards means the standards prescribed in Parts I, II and III of this By-law;

Vehicle means a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

Yard means the land, other than publicly owned 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 building.

3. SEVERABILITY

If any section, subsection or part of this by-law or parts thereof, are declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

PART I RESIDENTIAL PROPERTY STANDARDS

4. This part prescribes the standards for every residential property situated in the **City**.

5. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

- (1) A **Yard** shall be kept clean and free from:
 - (a) rubbish or other debris; and,
 - (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and,
 - (c) objects or conditions that may create a health or safety hazard; and,
 - (d) standing water in any depression or **Equipment**.
- (2) Heavy undergrowth shall be removed from the **Yard**.
- (3) A **Yard** shall be cultivated or protected by suitable **Ground Cover** so as to prevent the erosion of the soil.
- (4) Lawns, hedges and bushes shall:
 - (a) be kept trimmed; and,
 - (b) not be overgrown or unsightly.
- (5) **Ground Cover** shall not exceed a maximum height of 15 centimetres (6 inches) or contain any invasive plant species as identified in the Invasive Species Act, 2015.
- (6) No hedge shall be erected in a location which will, does or may, in the opinion of the **Officer**:
 - (a) adversely affect the safety of the public;
 - (b) adversely affect the safety of vehicular or pedestrian traffic;
 - (c) constitutes an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- (7) All **Property**, including but not limited to, buildings, structures, fences or other objects shall be kept free of graffiti, unsightly chalk or paint marks and similar markings or defacements at all times.

6. VEHICLES

- (1) **Inoperable Vehicle** shall not be parked, stored or left in any **Driveway**, front, rear, side or exterior side **Yard**, except where the **City's** Zoning By-law permits a related land use.
- (2) Nothing in subsection (1) prevents the **Occupant** of a residential **Property** from repairing a **Vehicle** which is the occupant's own **Vehicle** provided that:
 - (a) there is only one (1) **Vehicle** being repaired; and,
 - (b) the **Vehicle** is being actively repaired.
- (3) No **Vehicle** shall be used for the storage of garbage, rubbish, waste, debris, inoperable equipment, materials, appliances, or similar items.
- (4) No **Vehicle** shall be parked in any **Yard** except on a maximum permitted **Driveway** under the designated Zoning By-law.

7. APPLIANCES

- (1) Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self-latching or self-locking device and shall be:
 - (a) in working order; and,
 - (b) secured with a locking device; and,
 - (c) locked at all times except when actually being used and supervised.

8. SWIMMING POOLS

- (1) Every swimming pool shall be maintained:
 - (a) in a clean and safe condition; and,
 - (b) free from leaks and faulty components and equipment; and,
 - (c) every purification system for a swimming pool shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.
- (2) Every swimming pool while not in use on a regular basis shall be covered and protected to prevent stagnation of water and breeding of mosquitoes.

9. WASTE MANAGEMENT & STORAGE

- (1) Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition or are deleterious to the neighbouring environment shall be removed.
- (2) Nothing in this section shall prevent the **Occupant** of a residential **Property** from having a composter or a neatly kept compost heap provided that it is maintained free of offensive odours and kept in such a condition that it will not attract insects, rats or other vermin.
- (3) Domestic storage, such as firewood, building materials, garden equipment and materials may be stored in a rear or side **Yard**, provided that:

- (a) such storage does not exceed 15 percent of the **Yard** area in which it is stored; and,
 - (b) such storage shall be neatly piled; and,
 - (c) no such storage shall be permitted in the front **Yard** between the front wall of the building and the street line.
- (4) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the **Property**, provided that:
- (a) it is removed frequently and in its entirety from the **Property**; and,
 - (b) it will not cause risk to the health or safety of any persons; and,
 - (c) it is not stored in an unsightly manner.

10. SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Untreated or inadequately treated sewage shall not be discharged on to the surface of the ground whether into a natural or artificial drainage system or otherwise.
- (3) Roof drainage or surface water shall:
- (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
 - (b) not be directly discharged on sidewalks, stairs, or neighbouring **Property**.
- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- (5) Where eaves trough and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where physically possible.
- (6) Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- (7) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

11. SAFE PASSAGE

- (1) All surfaced paths, sidewalks, patios, steps, ramps, building entrances, **Driveways** and parking areas shall be:
- (a) maintained in a hole-free condition and free of any settlements that might cause tripping; and,
 - (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather, including the removal of snow and ice; and,
 - (c) adequately illuminated at night so as to afford safe use.

- (2) For the purposes of paragraph 1(b), the requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential **Property** or accessory apartment.

12. FENCES AND RETAINING WALLS

- (1) Fences, barriers and retaining walls shall be kept:
- (a) in good repair;
 - (b) free from accident hazards;
 - (c) protected by paint, preservative or other weather-resistant material;
 - (d) so as not to present an unsightly appearance; and
 - (e) free of barbed wire.
- (2) No fence shall be erected in a location which will, does or may constitute an accident hazard to vehicular or pedestrian traffic.

13. ACCESSORY BUILDINGS

- (1) All **Accessory Buildings** shall be kept:
- (a) in good repair; and,
 - (b) free from health and accident hazards; and
 - (c) protected by paint, preservative or other weather-resistant material.

MAINTENANCE OF DWELLINGS AND DWELLING UNITS

14. PEST PREVENTION

- (1) A **Dwelling** shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P. II, as amended, and all regulations enacted pursuant thereto.

15. STRUCTURALLY SOUND

- (1) Every part of a **Dwelling** shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the **Owner** of the building or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by the engineer, and the details of the findings of such examination.

16. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
 - (a) painting, restoring or repairing of the walls, coping or flashing;
or
 - (b) the waterproofing of joints and of the walls themselves.
- (2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (3) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

17. FOUNDATIONS

- (1) The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- (2) Every **Dwelling**, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- (3) All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- (4) Subsections 18(2) and 18(3) shall not apply to **Accessory Buildings** where the **Building Code** specifies that no foundation is required.

18. ROOF

- (1) The roof, cornice, soffit, gables, fascia, flashing and coping shall be maintained in a watertight condition so as to prevent leakage of water into the **Dwelling**.
- (2) Any deteriorated or damaged roof shingles shall be replaced.
- (3) Dangerous accumulations of snow or ice shall be removed from the roof.
- (4) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated.
- (5) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good repair so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping; and,
 - (b) loose or rusted stanchions, braces and attachments; and,
 - (c) fire or accident hazard.

19. DOORS AND WINDOWS

- (1) All exterior openings for doors or windows shall be fitted with doors or windows.
- (2) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the **Dwelling**.
- (3) Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) The following items shall be repaired or replaced:
 - (a) missing glass;
 - (b) broken glass;
 - (c) missing door hardware;
 - (d) defective door hardware;
 - (e) missing window hardware; and
 - (f) defective window hardware.
- (5) All windows in a **Dwelling Unit** shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration, during the season in which heat is required.
- (6) Where screens are provided, they shall be maintained in good repair so as to effectively prevent the entry of insects.
- (7) Garage doors shall be:
 - a) kept in good repair and structurally sound; and,
 - b) kept free from holes and cracks; and,
 - c) able to open and close without impediment; and,
 - d) able to open manually if there is an interruption in power or if there is a mechanical failure; and,
 - e) kept free from cracked or peeling paint or any other damaged exterior finishing; and,
 - f) kept free of any graffiti.

20. STAIRS, PORCHES AND RAMPS

- (1) An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- (2) Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

21. REPAIR STANDARDS

- (1) All repairs to any **Property** shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

PART II
NON-RESIDENTIAL PROPERTY STANDARDS

22. This part prescribes the **Standards** for non-residential **Property** situated in the **City**.

23. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

(1) A **Yard** shall be kept clean and free from:

- (a) rubbish or other debris; and,
- (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and,
- (c) objects or conditions that may create a health or safety hazard.
- (d) standing water in any depression or **Equipment**.

(2) Heavy undergrowth shall be removed from any **Yard**.

(3) All lawns, hedges and bushes shall:

- (a) be kept trimmed; and,
- (b) not be overgrown or unsightly.

(4) Ground cover shall not exceed a maximum height of 15 centimetres (6 inches) or contain any invasive plant species as identified in the Invasive Species Act, 2015.

(5) The **Yard** shall be cultivated or protected by suitable **Ground Cover** which prevents the erosion of the soil.

(6) Every area of a **Property**, including loading areas and adjoining municipal boulevard used for **Vehicle** traffic and parking shall be suitably surfaced and defined by a curb with appropriate curb radius and be:

- (a) kept free of dirt, surface dust and refuse; and,
- (b) adequately lighted; and
- (c) maintained in good repair.

(7) All **Property**, including but not limited to, buildings, structures, fences or other objects shall be kept free of graffiti, unsightly chalk or paint marks and similar markings or defacements at all times.

24. APPLIANCES

(1) Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self latching or self-locking device and shall be:

- (a) in working order; and,
- (b) secured with a locking device; and,
- (c) locked at all times except when actually being used and supervised.

25. VEHICLES

- (1) **Inoperable Vehicles** shall not be parked, stored or left in any **Driveway**, front, rear, side or exterior side **Yard**, except where the City's Zoning By-law permits a related land use.
- (2) No **Vehicle** shall be used for the storage of garbage, rubbish, debris or similar material.

26. SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Rain water from a roof area of five hundred (500) square feet (46.5 square metres) or more shall be conveyed to a storm sewer, and, if such a storm sewer is not available, the rainwater shall be disposed of in such a manner as not to create a **Nuisance**.
- (3) Roof drainage or surface water shall:
 - (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
 - (b) not be directly discharged on sidewalks, stairs, or neighbouring **Property**.
- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- (5) Where eaves trough and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where physically possible.
- (6) Where eaves troughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- (7) Catch basins shall be kept in good **Repair** and free of debris and obstructions which would prevent them from functioning properly.

27. SAFE PASSAGE

- (1) All surfaced paths, sidewalks, patios, steps, ramps, building entrances, **Driveways** and parking areas shall be:
 - (a) maintained in a hole-free condition and free of settlements that might cause tripping; and,
 - (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather; including the removal of snow and ice; and,
 - (c) adequately illuminated at night so as to afford safe use.

28. ACCESSORY BUILDINGS

- (1) All **Accessory Buildings** shall be kept:
 - (a) in good repair; and,
 - (b) free from health and safety hazards; and,
 - (c) protected by paint, preservative or other weather-resistant material.

29. FENCES AND RETAINING WALLS

- (1) A fence shall be installed:
 - (a) around the parking area of drive-in eating establishments, except at the private approaches; and,
 - (b) where conditions exist on non-residential **Property** where litter is blown on to adjoining **Property**; and
 - (c) and constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining **Property**.
- (2) All fences, barriers or retaining walls around or on non-residential **Property** shall be kept:
 - (a) in good **Repair**; and,
 - (b) free from accident hazards; and,
 - (c) protected by paint, preservative or other weather-resistant material; and
 - (d) so as not to present an unsightly appearance.
- (3) Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence which has a minimum height of 1.2 metres.

30. SIGNS

- (1) All signs, including their supporting members, shall be maintained in good **Repair** and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good and lawful state of repair which conforms to this By-law.

31. PEST PREVENTION

- (1) The **Property** shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations passed pursuant thereto.

32. STRUCTURALLY SOUND

- (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the **Owner** of the building or authorized agent and that a written report, be submitted to the **Officer**, which report will

include drawings for any recommended remedial work designed by the engineer and the details and findings of such examination.

33. EXTERIOR WALLS

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
 - (a) painting, restoring, or repairing of the walls, coping or flashing; or
 - (b) the waterproofing of joints and of the walls themselves.
- (2) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.
- (3) All canopies, marquees, signs, awnings, stairways, stand pipes, exhaust ducts, and similar overhang extensions shall be:
 - (a) maintained in good **Repair**; and,
 - (b) properly anchored; and,
 - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- (4) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- (5) All air conditioners shall be maintained in a safe mechanical and electrical condition.
- (6) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (7) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

34. FOUNDATIONS

- (1) The foundation walls shall be maintained in good **Repair** and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- (2) Every building, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- (3) All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- (4) Subsections 37(2) and 37(3) shall not apply to accessory buildings where the **Building Code** specifies that no foundation is required.

35. ROOF

- (1) The roof, cornice, soffit, gables, fascia, flashing and coping shall be maintained in a watertight condition so as to prevent leakage of water.
- (2) Any deteriorated or damaged roof shingles shall be replaced.
- (3) Dangerous accumulations of snow or ice shall be removed from the roof.
- (4) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated.
- (5) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good **Repair** so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping;
 - (b) loose or rusted stanchions, braces and attachments;
 - (c) fire or accident hazard.

36. DOORS AND WINDOWS

- (1) All exterior openings for doors and windows shall be fitted with doors or windows.
- (2) Windows, exterior doors, and basement or cellar hatchways shall be maintained in good **Repair** so as to prevent the entrance of wind or rain into the building.
- (3) Doors, door frames, window frames, sashes, casings, garage doors and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) Broken glass and missing or defective door and window hardware shall be repaired or replaced.
- (5) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- (6) Where screens are provided, they shall be maintained in good repair so as to effectively prevent the entry of insects.
- (7) Garage doors shall be:
 - a) kept in good **Repair** and structurally sound; and,
 - b) kept free from holes and cracks; and,
 - c) able to open and close without impediment; and,
 - d) able to open manually if there is an interruption in power or if there is a mechanical failure; and,
 - e) kept free from cracked or peeling paint or any other damaged exterior finishing; and,
 - f) kept free of any graffiti.

37. STAIRS, PORCHES AND RAMPS

- (1) An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.

38. REPAIR STANDARDS

- (1) All **Repairs** to any premises shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

PART III HERITAGE BUILDINGS

39. HERITAGE BUILDINGS

- (1) In addition to the minimum standards for the maintenance and security of **Property** in the **City** as set out in this By-law, the following minimum standards listed in Sections 40 to 46 apply to the maintenance and security of all buildings and structures on properties that are:
 - a) designated under Section 29 or 34.5 of the **Ontario Heritage Act**, or
 - b) situated within a heritage conservation district, designated under Section 41 of the **Ontario Heritage Act**.

40. HERITAGE ATTRIBUTES

- (1) In addition to all of the requirements and minimum **Standards** for the maintenance, and security of **Property** set out in this Part III and elsewhere in this By-law, the **Owner** or **Occupant** of a **Heritage Property** shall:
 - a) maintain, preserve and protect the **Heritage Attributes** so as to retain the heritage character, and the visual and structural heritage integrity of the building or structure; and
 - b) maintain the **Property**, including those components of the **Property** that hold up, support or protect the **Heritage Attributes** in a manner that will ensure the on-going protection and preservation of the existing **Heritage Attributes**.

41. ALTERATIONS OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the **Ontario Heritage Act**, no **Owner** or **Occupant** shall alter the **Property** or permit the alteration of the **Property** if the alteration is likely to affect the property's **Heritage Attributes**, unless the **Owner** has acquired a **Heritage Permit** or other form of written consent from the **City** in accordance with the **Ontario Heritage Act**.

42. REPAIR OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of the By-law, where a **Heritage Attribute** of a **Heritage Property** can be repaired, the **Heritage Attribute** shall not be replaced and shall be repaired:

- a) in a manner that minimizes damage to the **Heritage Attribute** and is consistent with recognized conservation standards, best practices and processes for the conservation of built heritage resources;
- b) in a manner that maintains the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the **Heritage Attribute**;
- c) using the same types of material as the original material being repaired and in keeping with the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material; and
- d) where the same types of material as the original material are no longer available, using alternative materials, subject to review and approval by the **Manager, Heritage Planning**, that replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material.

43. REPLACEMENT OF HERITAGE ATTRIBUTES

- (1) Despite any other provisions of this By-law, and subject to the **Ontario Heritage Act** and the **Building Code**, where it can be demonstrated to the **Manager, Heritage Planning** that the **Heritage Attribute** of a **Heritage Property** cannot be repaired, the **Heritage Attribute** shall be replaced:
 - a) using the same types of materials, as the original in a manner that replicates the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the **Heritage Attribute** being replaced.
 - b) where the same types of materials as the original are no longer available, using alternative or substitute materials and finishes, that replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the **Heritage Attribute** being replaced.

44. UNSAFE

- (1) Where a building or structure on a **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect the **Heritage Attributes** and prevent damage or further damage to the **Heritage Attributes**.
- (2) If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof by examined by a professional engineer, licensed to practice in Ontario and a member of the Canadian Association of Heritage Professionals and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination

45. DEMOLITION

- (1) Despite any other provision of this By-law, or the **Building Code**, no building or structure located on **Property** that has been designated under Section 29, 34.5 or 41 of the **Ontario Heritage Act** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the **Ontario Heritage Act**.
- (2) Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations and provided and maintained with a suitable ground cover.

46. CONFLICT

- (1) If there is a conflict between this Part III and any other provision in this By-law or any other **City** By-law, the provision that establishes the highest standard for the protection of **Heritage Attributes** shall prevail.

PART IV **GENERAL**

47. PROCEDURES FOR ENFORCEMENT

- (1) This part applies to the whole of the **City**.

48. ADMINISTRATION AND ENFORCEMENT

- (1) The **City** may from time to time appoint Property Standards Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

49. INSPECTIONS

- (1) An **Officer** and any person acting under the **Officer's** instructions may, without a warrant, enter and inspect a **Property** to determine:
 - a) whether the **Property** conforms to the **Standards** prescribed in this By-law;
 - b) whether an order made under this By-law has been complied with; and
 - c) whether an order made under section 15.7 of the **Building Code Act**, as amended, has been complied with.
- (2) Where the inspection is conducted by the **Officer** or any person acting under the **Officer's** instructions, the person conducting the inspection may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification;

- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- e) order the **Owner** of the **Property** to take and supply at the owner's expense such tests and samples as are specified.

50. PROPERTY STANDARDS COMMITTEE

- (1) A **Property Standards Committee** is hereby established by the City pursuant to section 15.6 of the **Building Code**.
- (2) The **Committee** shall be composed of five (5) members of the public and the **Committee** shall be appointed by **City** Council in accordance with **City** procedure for the appointment to Boards, Committees and Authorities.
- (3) The term of office for the members of the **Committee** shall be for four (4) years.
- (4) All members shall serve their terms of office as required until reappointed or replaced by the **City**.
- (5) The **Committee** shall elect a chairperson from its members.
- (6) When the chairperson is absent through illness or otherwise, the **Committee** may appoint another member to act as chairperson pro tempore.
- (7) Three (3) members of the **Committee** shall constitute a quorum.
- (8) Any member of the **Committee** may administer oaths.
- (9) A member of **City** Council or an employee of the **City** or of a local board thereof is not eligible to be a member of the **Committee**.
- (10) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the **Committee**.

51. ORDER AND APPEAL TO COMMITTEE

- (1) An **Officer** may make an order pursuant to sections 15.2 or 15.7 of the **Building Code**.
- (2) An 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 on the date on which the order was originally served and, when the requirements of the order are found to have been satisfied, the Clerk shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.
- (3) When the **Owner** or **Occupant** upon whom an order pursuant to section 15.2 of the **Building Code**, has been served is not satisfied with the terms or conditions of the order, the **Owner** or **Occupant** may appeal to the **Committee**, by sending notice of appeal by registered mail to the secretary of the **Committee** within fourteen (14)

days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to be confirmed.

- (4) The secretary of the **Committee**, upon receipt of the notice of appeal shall:
 - (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing to:
 - (i) the appellant; and,
 - (ii) the **Officer** who issued the order; and.
 - (iii) any other as the **Committee** considers advisable.
- (5) The **Committee** shall:
 - (a) hear the appeal at the date, place and time set out in the notice; and,
 - (b) have all the powers and functions of the **Officer** who made the order.
- (6) The **Committee** may adopt its own rules of procedure.
- (7) The **Committee** may:
 - (a) confirm the order; or,
 - (b) modify or rescind the order; or,
 - (c) extend the time for complying with the order provided that, in the opinion of the **Committee**, the general intent and purpose of this by-law and of the official plan of the **City** are maintained.
- (8) The **Committee** shall give its decision in writing.
- (9) The secretary of the **Committee** shall notify:
 - (a) the appellant; and,
 - (b) the **Officer** who issued the order; and,
 - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

52. CERTIFICATE

- (1) Following the inspection of a **Property** an **Officer** may, or on the request of an **Owner** shall, issue to the **Owner** a Certificate of Compliance if, in the opinion of the **Officer**, the **Property** is in compliance with the **Standards** set out in this By-law.
- (2) A fee shall be payable to the **City** prior to the issuance of a Certificate of Compliance where it is issued at the request of the **Owner**, in the amount prescribed by Schedule "B" to this By-law.

53. DUTIES OF OWNER AND REMEDIATION BY CITY

- (1) Every **Owner** shall ensure that the **Dwelling** or **Property** of the **Owner** is maintained in accordance with the provisions of this By-law.
- (2) Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this By-law shall obey such order or do or abstain from doing such thing as required.
- (3) Every **Property** that does not conform with the **Standards** shall be repaired and maintained to conform with the **Standards** or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.
- (4) If an order of an **Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **City** may cause the **Property** to be repaired or demolished accordingly and the amount spent on the **Repair** or demolition may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- (5) Notwithstanding subsections 53(3) and 53 (4), no building or structure on a **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the **Ontario Heritage Act**.

54. PROCEEDING CONTINUED

- (1) All proceedings taken pursuant to **City** By-law Number 63-83, as amended, shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law Number 63-83, as amended, the procedure established by this By-law shall be followed so far as it can be adopted.

55. CONFLICT

- (1) To the extent that any provision of this By-law conflicts with, or does not incorporate the provisions of Sections 15.1 to 15.8 of the **Building Code Act** or other enabling legislation, the said Act or other enabling legislation shall prevail and apply to the provisions of this By-law.

56. OFFENCE AND PENALTY

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, an **Officer** in the exercise of a power or the performance of a duty under this By-law.
- (2) An **Owner** who fails to comply with an order that is final and binding under this By-law is guilty of an offence under of Section 36(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in section 36 of that Act.

57. COLLECTION OF UNPAID FINES

- 57.1 Pursuant to Subsection 441.1 of the Municipal Act, 2001, the treasurer of a municipality may add any part of a fine for a

commission of a provincial offence that is in default under Section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for.

58. REPEAL

- 58.1 By-law Number 248-1999 of The Corporation of the City of Markham, as amended, is hereby repealed in its entirety.

Read a first, second, and third time and passed on April 25, 2017.

"Kimberley Kitteringham"

Kimberley Kitteringham
City Clerk

"Frank Scarpitti"

Frank Scarpitti
Mayor

SCHEDULE "A" TO BY-LAW 2017-26

THE CORPORATION OF THE CITY OF MARKHAM

NOTICE RE: SUB-STANDARD PROPERTY

This Property has been found not be
in conformity with the Standards established by
Property Standards By-law Number.
Any person who pulls down or defaces this placard
is liable to a penalty not exceeding \$500.00

DATED AT MARKHAM THIS DAY OF ,

PROPERTY STANDARDS OFFICER

SCHEDULE “B” TO BY-LAW 2017-26

FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE

CATEGORY		
Residential Property Multiple Commercial and Industrial Buildings	Number of Inspected Units per Building	Charge
	1-2 units	\$50.00 per unit
	more than 2 - not more than 5 units	\$40.00 per unit
	more than 5 - not more than 15 units	\$200.00 plus \$15.00 per unit above 5th unit
	more than 15 - not more than 25 units	\$300.00 plus \$10.00 per unit above the 15th unit
	more than 25 units	\$400.00 plus \$5.00 per unit above the 25th unit
Free Standing Industrial and Commercial Buildings (Single Occupancy)		\$50.00 per 98 square metres (1,000 square feet) \$200.00 minimum
Vacant and Derelict Property		\$100.00