



As amended by By-law 77-2006, 93-2013, 3-2014, 37-2017, 98-2019,  
132-2019, 90-2020, 136-2021, 44-2022 and 96-2022

**By-Law 1-2002  
of The Corporation of the City of Oshawa**

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**As amended by By-law 77-2006, 93-2013, 3-2014, 37-2017, 98-2019,  
132-2019 and 90-2020  
By-Law 1-2002  
of The Corporation of the City of Oshawa**

being a by-law to regulate and govern the standards for the maintenance and occupancy of property within the City of Oshawa.

**Recitals**

1. Section 15.1(3) of the *Building Code Act*, 1992, S.O. 1992, c.23, authorizes the passing of a By-law for prescribing standards for the maintenance and occupancy of property.
2. The Council for the City of Oshawa deems it desirable to enact and pass a By-law for prescribing standards for the maintenance and occupancy of property within the City, for prohibiting the occupancy or use of such property that does not conform with the Standards and for requiring property that does not conform with the Standards to be Repaired and maintained to conform with the Standards or the site to be cleared of all Buildings, structures, debris or refuse and left in a graded and leveled condition.
3. The Official Plan for the City of Oshawa includes provisions relating to property conditions.
4. Section 391 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, authorizes the passing of a by-law imposing fees and charges. (136-2021)

Therefore, it is enacted as a by-law of the Corporation of the City of Oshawa by the Council thereof as follows:

**Section 1 Administration, Interpretation and Enforcement**

**1.1 Short Title**

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

**1.2 Scope**

**All Property**

- 1.2.1 This By-law applies to all property in the City of Oshawa unless otherwise indicated herein.

**1.3 Enforcement**

**Property Standards Officers**

- 1.3.1 The Council of the City of Oshawa shall appoint Officers from time to time to be responsible for administering and enforcing By-laws passed under section 15.1 of the Building Code Act including this By-law. (136-2021)

**1.4 Compliance**

**Comply with Standards**

- 1.4.1 No Owner or Occupant shall use or occupy or permit to be used or occupied any Property that does not conform with the Standards.

**Repair or Demolish**

- 1.4.2 The Owner of any Property that does not conform to the Standards shall Repair the Property to conform to the Standards or, alternatively, shall clear the Property of all Buildings, structures, debris and refuse and shall leave the Property in a graded and leveled condition.

## **Contravention**

1.4.3 A Person has failed to comply with this By-law if they have contravened any provision or Standard of this By-law. (44-2022)

## **Administrative Monetary Penalties**

1.4.4 A Person has contravened this By-law if they have failed to comply with an order of an Officer under subsection 15.2(2) of the Building Code Act, as deemed confirmed or as confirmed or modified by the Property Standards Committee, or a judge under section 15.3 of the Building Code Act. (44-2022)

1.4.5 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (44-2022)

1.4.6 Each Person who contravenes any provision of this By-law or fails to comply with an Order issued in accordance with this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Property Standards By-law, the following tiered penalty system applies:

- (a) if the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250.
- (b) if the Person receives an additional penalty notice for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350.
- (c) if the Person receives a subsequent penalty notice for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$500.
- (d) If the Person receives any subsequent penalty notices for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$500.

(136-2021, 44-2022)

1.4.7 The Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, does not apply to a penalty notice issued in accordance with Administrative Penalty Process By-law 63-2013. (44-2022)

## **Offences**

1.4.8 Every Person who fails to comply with an Order, direction, or requirement made under the Building Code Act is guilty of an offence, and, upon conviction, is liable to penalties as provided in the Building Code Act. (44-2022)

## **1.5 Severability**

1.5.1 If one or more provisions of the Property Standards By-law 01-2002, as amended, are found to be invalid, illegal, inoperative, unenforceable or void by any court or tribunal of competent jurisdiction, in whole or in part, or in the particular circumstances, the remaining terms and provisions of the By-law shall be deemed to be severable from the part so found and shall remain in full force and effect. (136-2021)

## **1.6 Compliance with other By-Laws and Regulations**

### **No Reduction of Authority**

1.6.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

### **Conflict**

1.6.2 If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

## **1.7 Number**

### **Singular and Plural**

1.7.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and vice versa. (136-2021)

## **1.8 Headings**

### **Headings and Parentheses**

1.8.1 The headings of sections, subsections and articles in this By-law and the descriptive margin on the left are inserted for ease of reference only and do not form a part of nor affect the interpretation of this By-law. Subject to Article 1.10.1, language within parentheses do form a part of this By-law.

## **1.9 Numbering System**

### **Explanation**

1.9.1 The numbering system for sections, articles and sentences for this By-law is explained as follows:

Each “section” is numbered with an Arabic numeral. The second Arabic numeral following the first (separated by a decimal) describes the “subsection”. The third Arabic numeral (where one appears) following the second (separated by a decimal) describes the “article.” Clauses, lists of items, provisions or requirements within subsections or articles are defined by alphabetic characters enclosed by parentheses.

For illustrative purposes, an example is:

Section 5:	Building Standards
Subsection 5.5:	Doors, Windows and Skylights
Article 5.5.3:	Maintenance includes:
5.5.3(b):	reglazing cracked, broken or missing glass

## **1.10 Measurements**

### **Metric**

1.10.1 Where this By-law provided metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements have been provided in parenthesis but are of no force or effect. The abbreviation “mm” stands for millimetres, “m” stands for metres, “m<sup>2</sup>” stands for square metres, “m<sup>3</sup>” stands for cubic metres, “ha” stands for hectares, and “C” stands for Celsius. (136-2021)

## **1.11 Use and Occupancy**

### **Interpretation**

1.11.1 In this By-law, unless the context requires otherwise, the verb “use” shall include “design to use”, “permit to use and “permit the use of” and the verb “occupy” shall include “design to occupy”, “permit to occupy”, “permit the occupancy of” and “design for occupancy”.

## **1.12 And/Or**

### **Interpretation**

1.12.1 The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.

## **1.13 References to Legislation**

### **Ontario Legislation**

1.13.1 All references in this By-law to names of Acts of the Legislature are (unless otherwise noted) references to the Revised Statutes of Ontario, 1990 edition. Similarly, all references in this By-law to names of Regulations are (unless otherwise noted) references to the Revised Regulations of Ontario, 1990 edition. All references to Acts of the Legislature, Regulations and By-laws include applicable amendments, including an implied reference to successor Acts, Regulations and By-laws.

## **1.14 Repeal of Existing By-Law (136-2021)**

### **Repeal of Existing By-laws**

1.14.1 On the date that this By-law comes into force, By-laws 136-79, 156-79, 63-80, 136-91, 85-92, and 91-98 shall be repealed.

## **1.15 Effective Date**

### **In Force**

1.15.1 Subject to Article 1.16.1, this By-law, as amended, shall come into force on the date of passage by Council. (136-2021)

## **1.16 Transitional Rules**

1.16.1 After the date of the passing of this By-law, By-laws 136-79, 156-79, 63-80, 136-91, 85-92, and 91-90 shall apply only to those Properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such Properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order including any demolition, clearance, or Repair carried out by the municipality shall have been concluded. (136-2021)

## **1.17 Certificate of Compliance**

### **Compliance Certificate**

1.17.1 Upon payment of its fee, as prescribed by the General Fees and Charges By-Law 13-2003, as amended, the City shall issue to an Owner a certificate with respect to the Property’s compliance or non-compliance with the Standards (as the case may be). (13-2003, 136-2021)

## **1.18 Property Standards Committee**

### **5 Persons Appointed to Property Standards Committee**

1.18.1 Council shall appoint at large (by either Resolution or By-law) no fewer than five (5) persons of the City to the Property Standards Committee for a term of office concurrent with that of the appointing Council.

### **Vacancy**

1.18.2 The Council shall forthwith fill any vacancy in membership of the Committee that occurs.

### **Honorarium**

1.18.3 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium of \$75.00 per meeting for each member's attendance at committee hearings. (136-2021)

### **Appeal of Order**

1.18.4 An Owner or occupant who appeals an Order made pursuant to Subsection 15.2(2) of the Building Code Act shall submit a Notice of Appeal in the time frame and manner as prescribed in subsection 15.3(1) of the Building Code Act. All Notices of Appeal shall be accompanied by a non-refundable payment for the processing of the appeal as prescribed by the General Fees and Charges By-law 13-2003, as amended. (136-2021)

## **1.19 Fees and Charges**

### **Fee for Repeat Inspections**

1.19.1 Every Owner or Occupant who has failed to comply with a confirmed Order made pursuant to Subsection 15.2(2) of the Building Code Act, shall pay the fees set out in the General Fees and Charges By-law 13-2003, as amended, for each inspection to determine if contraventions of this By-law observed on an initial inspection have been corrected where the contraventions have not been remedied by the time provided for in the said Order." (13-2003, 44-2022)

### **Notice of Fee**

1.19.2 Before carrying out the re-inspection of each Property for which an Owner or Occupant will be required to pay a fee under Article 1.19.1 (should the contravention not be remedied by the time provided for in an Order) the City shall give the Owner or Occupant of the Property a written notice setting out the fees payable. The notice referred to in this Article may be included as a statement in the Order requiring an Owner or Occupant of Property to conform with the Standards.

### **Idem**

1.19.3 After the notice under Article 1.19.2 has been given, no further notice of the fee payable under this Subsection is required for subsequent inspections of the same Property relating to the Order.

### **Debt to City**

1.19.4 Where fees are payable by an Owner or Occupant under Article 1.19.1, the fees shall constitute a debt to the City.

### **Add to Tax Roll**

1.19.5 The fees payable under this By-law shall be added by the Municipal Clerk to the tax roll for any real property in the City where all of the owner(s) of that same property are responsible for paying the fees and the City shall collect the fees in like manner as municipal real property taxes and the fees shall have priority lien status.

### **Interest**

1.19.6 Fees charged under this By-law are due and payable on the day immediately following the day the fee is imposed or charged and shall accrue interest at the rate of 1 1/4 per



cent on the first day of default and on the first day of each calendar month thereafter in which default continues until paid.

## Section 2 Definitions

2.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply.

**“Accessory Building”** means a detached Building or structure, whether heretofore or hereafter erected, that is commonly incidental, subordinate or secondary and exclusively devoted to the main Building or structure and is located on the same lot as the main Building or structure and which is not used for human habitation.

**“Apartment Building”** a Building or part of a Building containing three or more Dwelling Units, including stacked townhouses, but does not include flats, block townhouses or street townhouse buildings. For the purpose of this definition “Dwelling Unit” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities. (136-2021)

**“Appliances”** means a stove, refrigerator, clothes washer, clothes dryer, dishwasher or a hot water tank.

**“Block Townhouse”** means a townhouse served by a private driveway or aisle, but does not include a Street Townhouse Building. For the purpose of this definition “Dwelling Unit” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities. (136-2021)

**“Building”** means any structure consisting of a roof supported by walls or columns which is used for the shelter, accommodation or enclosure of Persons, animals, goods, chattels or equipment, whether heretofore or hereafter erected.

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

**“City”** means The Corporation of the City of Oshawa.

**“Committee”** means the Property Standards Committee established by Article 1.18.1 of this By-law.

**“Dwelling”** means a Building or structure or part of a Building or structure used for the purpose of human habitation, and includes a Building that would be used or would be intended to be used for such purposes, except for its state of disrepair. (136-2021)

**“Dwelling Unit”** means that part of a Dwelling consisting of one or more Habitable Rooms, which contains at least one Washroom and cooking facilities and that is designed for use as a single house keeping establishment.

**“Fire Resistance Rating”** means time in hours or parts thereof that an element or assembly of material will withstand fire exposure, as determined in a fire test made in conformity with recognized specifications, or as determined by extension or interpretation of information derived therefrom.

**“Fire Separation”** means a means a construction assembly that acts as a barrier against the spread of fire. (136-2021)

**“Ground Cover”** means organic or non-organic material applied to prevent soil or sand erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping. (136-2021)

**“Guard”** means a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another. (136-2021)

**“Habitable Room”** means a room in a Dwelling used, designed to be used or capable of being used for human living, sleeping, cooking or eating purposes. (136-2021)

**“Heritage Attributes”** has the same meaning as section 1 of the Ontario Heritage Act. (90-2020)

**“Heritage Property”** means a Property that has been designated under section 29 or section 34.5 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended or Property that is located within an area that has been designated under section 41 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, as a heritage conservation district. (90-2020, 136-2021)

**“Improved Street”** means a road allowance which has been dedicated as a public highway and which is or will be fully maintained year round, including winter snow and ice control by the City or the Region of Durham. (136-2021)

**“Inoperative Motor Vehicle”** means a vehicle requiring bodywork, and/or having missing components or parts, including tires or glass, and/or is in such condition that prevents its mechanical function. (136-2021)

**“Level of Illumination”** means the level of artificial lighting measured in Lux (foot candles) from 1 m (3.28 feet) above floor or grade level. (136-2021)

**“Lodging House”** means a Building or part of a Building, containing three to ten Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. The Lodging House definition includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a hotel, a crisis care residence, a hospital, a group home, a correctional group home, a bed and breakfast establishment, a nursing home, a flat, an apartment building or a block townhouse. A Lodging House may involve shared cooking or Washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided. (136-2021)

**“Lodging Unit”** means one or more rooms within a Lodging House used or designed to be used for sleeping accommodations. Lodging Units may contain cooking or Washroom facilities, but not both.

**Means of Egress”** includes exits and access to exits and means a continuous path of travel provided for the escape of persons from any point in a building or in a contained open space to,

- (a) a separate building,
- (b) an open public thoroughfare, or
- (c) an exterior open space that is protected from fire exposure from the building and that has access to an open public thoroughfare. (136-2021)

**“Medical Officer of Health”** means the medical officer of health of the Durham Regional Health Unit or any successor thereof.

**“Occupant”** means any Person or Persons over the age of 18 years in possession, care or control of the Property.

**“Officer”** means a Property Standards Officer appointed by the Council of the City to administer and enforce this By-law.

**“Ontario Building Code”** or **“OBC”** means Ontario Regulation 332/12: Building Code, made under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or any successor thereof. (136-2021)

**“Ontario Heritage Act”** means Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended from time to time. (90-2020)

**“Owner”** includes:

- (a) the Person for the time being managing or receiving the rent of the Property, whether on the Person’s own account or as agent of the trustee of any other Person, or who would so receive the rent if the Property were let;
- (b) 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;
- (c) the registered Owner of the Property; or
- (d) a mortgagee in possession of the Property. (136-2021)

**“Person”** means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and the heirs, executors or legal representatives of the Person to whom the context can apply according to law.

**“Plumbing Fixture”** means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water liquids or sanitary sewage directly into drainage piping.

**“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 abandoned Property but does not include Property zoned under the class: Open Space in the City’s Zoning By-law 60-94, and owned, leased, managed or maintained by the City.

**“Repair”** includes the provisions of facilities, the making of additions or alterations or the taking of any other action as may be required to ensure that a Property conforms with the Standards and “Repairs” and “Repaired” have corresponding meanings.

**“Restaurant”** means a building or part of a building where food and beverages are prepared or offered for retail sale to the public for immediate consumption on or off the premises, including a licensed dining lounge, food catering business, a tavern or nightclub.

**“Sewerage System”** means the system of sewers connected to any sewage treatment plant operated by the Regional Municipality of Durham for service of the inhabitants of the City of Oshawa.

**“Standards”** means the standards for the maintenance and occupancy prescribed for Property in this By-law.

**“Street Townhouse Building”** means a Townhouse with each Dwelling Unit having lot frontage and direct vehicular access to an Improved Street that is maintained by a municipality. (136-2021)

**“Street Townhouse Dwelling”** means one of the Dwelling Units originally constructed in a Street Townhouse Building. (136-2021)

**“Townhouse”** means a Building divided vertically into at least three Dwelling Units, attached by common walls at least 6.0m in length and at least one storey in height, in addition to any basement, with each Dwelling Unit having a separate entrance from the outside. (136-2021)

**“Washroom”** means that part of a Building containing one or more of a water closet, urinal, bathtub, shower or washbasin.

**“Water System”** means the system for supply of water from a central pumping station and tanks and reservoirs managed and operated by the Regional Municipality of Durham for service of the inhabitants of the City of Oshawa.

## **Section 3 General Duties and Obligations**

### **3.1 Repairs and Workmanship**

#### **Owner Responsibility**

3.1.1 An Owner shall maintain any services and facilities supplied in respect of a Property by that same Owner and shall maintain common areas intended for the use of Occupants. Such services and facilities may include, but are not limited to:

- (a) Appliances
- (b) parking facilities
- (c) elevator facilities and equipment
- (d) intercom systems and equipment
- (e) telephone, television cable, gas/oil, water and electricity, and their related services and equipment
- (f) heating, ventilation and air conditioning facilities, services and equipment (136-2021)
- (g) security services, facilities and equipment
- (h) lighting

## **Manner of Making Repairs**

3.1.2 All Repairs and maintenance of a Property required by the provisions of this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned, utilizing materials suitable and sufficient for the purpose and carried out in accordance with the industry specifications and requirements.

## **Good Repair**

3.1.3 An Owner shall maintain any services and facilities in good Repair which, without limiting the generality of the foregoing, shall include:

- (a) structurally sound;
- (b) not broken, rusted, rotten or in a hazardous condition;
- (c) not unsightly to the extent that it would be deleterious to abutting property owners or to the neighborhood;
- (d) in proper working order, if applicable; and
- (e) adequately protected by weather-resistant material, if applicable. (136-2021)

## **Section 4 Property Maintenance, Waste Management, and Accessory Buildings or Structures and Hazards** (136-2021)

### **4.1 Property**

4.1.1 All Property shall be maintained in a clean and tidy condition so as not to detract from the neighboring environment or to present a hazard to any Person or Property including removal of:

- (a) dead or decayed trees or other natural growth, including branches and limbs thereof, or damaged trees that create an unsafe condition; and
- (b) dilapidated, collapsed or partially constructed structures that are not currently under construction (for the purposes of this Article, a structure is not currently under construction where no lawful and substantial construction activity has taken place on the structures within the immediately preceding 90 days). (3-2014, 136-2021)

4.1.2 Abandoned or unused wells and every excavation, hole, trench, or ditch that presents a hazard to the health or safety of any Person shall be filled with fill material suitable for the purposes of eliminating the hazard and made level with the surrounding grade. (3-2014)

4.1.3 Without restricting the generality of Article 4.1.1, "maintained in a clean and tidy condition" includes removal of:

- (a) rubbish, rubble, waste, garbage, refuse litter, brush, debris and unused items and objects or conditions that may create a health, fire, or accident hazard located on a Property;
- (b) wrecked, dismantled, discarded, abandoned, unused materials, Inoperative Motor Vehicles, furniture, appliances, dilapidated abandoned signs, machinery, trailers or boats located on a Property unless necessary for the operation of a business enterprise lawfully situated on that same Property. (136-2021)

### **4.2 Surface Conditions**

#### **Parking Areas and Safe Passage**

4.2.1 Driveways, ramps, parking areas and similar areas shall be:

- (a) surfaced, Repaired or regraded with asphalt, concrete, compacted and leveled stone or other hard surface to provide a safe surface for pedestrian or vehicle use; and (136-2021)

- (b) maintained as a dust free surface by regular cleaning or application of an environmentally safe dust control agent; and
- (c) maintained so as to provide for safe passage under normal use and weather conditions, day or night. (136-2021, 96-2022)

**Walkways and Safe Passage**

4.2.2 Walkways, exterior passageways, exterior stairs, landings and similar areas shall be:

- (a) surfaced, Repaired or regraded with asphalt, concrete, compacted and leveled stone or other hard surface to provide a safe surface for pedestrian or vehicle use; and (136-2021)
- (b) maintained so as to provide for safe passage under normal use and weather conditions, day or night.

**Suitable Ground Cover**

4.2.3 Suitable Ground Cover shall be provided to maintain a good appearance and to prevent erosion of the soil and also to be in harmony with the neighboring environment. (136-2021)

**4.3 Sewage and Drainage**

**Sewage System**

4.3.1 Sewage shall be discharged into an approved Sewerage System as determined by the authority having jurisdiction over sewage collection in the City. (136-2021)

4.3.2 Sewage of any kind shall not be discharged onto the surface of the ground.

**Storm Water Discharge**

4.3.3 Storm water (including roof drainage) shall not directly be discharged onto sidewalks, stairs, or adjacent Property. (136-2021)

**Ponding**

4.3.4 Storm water (including roof drainage) shall be drained from a Property so as to prevent ponding covering an area of 9 m<sup>2</sup> (100 ft<sup>2</sup>) or greater, or being 30 cm (12 in) in depth at any point.

**Catch Basin**

4.3.5 Catch basins shall be kept in good Repair and free of debris or other obstructions which could prevent water from draining.

**Stagnant Water**

4.3.6 No Owner shall permit or allow stagnant water to exist or occur in any location on a Property at any time.

**4.4 Compost Heaps**

**Compost**

4.4.1 No Owner shall permit or allow the existence, occurrence or maintenance of any compost heap or bin on a Property where that compost heap or bin emits offensive odours that migrate off the Property.

**Idem**

4.4.2 No compost heap or compost heap enclosure situated on a property shall be supported by or touch any portion of a boundary fence.

## **4.5 Refuse Storage and Disposal**

### **Sufficient Receptacles**

4.5.1 Every Owner shall provide and maintain sufficient receptacles to contain all garbage, refuse, ashes, recyclable materials and trade waste that may accumulate on a Property between the regular collection days, as designated from time to time by the City. (136-2021)

### **State of Receptacles**

4.5.2 Every receptacle shall be:

- (a) watertight;
- (b) manufactured and maintained to prevent the entry of insects, rodents and the escape of odours;
- (c) shall be kept closed at all times except when garbage, refuse, ashes or trade waste is being placed therein or removed therefrom;
- (d) maintained in a clean and sanitary condition; and
- (e) made available for prompt removal in accordance with the municipal garbage collection by-law where applicable.

### **Plastic Bags**

4.5.3 Plastic garbage bags shall not be stored outdoors. However, nothing in this Article shall prevent the placement of refuse in plastic bags for collection at the curbside during the times and days only as permitted in City refuse collection by-laws.

### **Apartment Buildings Garbage Rooms- Clean and Good Repair**

4.5.4 In Apartment Buildings, every garbage chute, garbage compactor, garbage disposal room, garbage storage area, garbage container or receptacle, as well as recycling storage areas or receptacles shall be:

- (a) washed and disinfected as often as is necessary to maintain a clean and odour free condition; and
- (b) maintained in good Repair. (136-2021)

### **Garbage Rooms Maintained**

4.5.5 Garbage disposal rooms or garbage storage areas shall be maintained so as to minimize health hazards due to excessive accumulation of garbage and refuse or the storage of same for a long duration by adding increased frequency of removal from the Property.

### **Receptacle Size**

4.5.6 The Owners of all multiple Dwellings that do not have garbage disposal rooms shall provide receptacles large enough to contain all garbage, refuse and recyclable materials.

### **Location of Garbage Receptacle**

4.5.7 Every receptacle, if located outside of a Building, shall be located in the Rear Yard, when space can accommodate it, or otherwise in a Side Yard, but shall not be located in a Front Yard or an Exterior Side Yard. For the purposes of this By-law, the definitions of Rear Yard, Side Yard, Exterior Side Yard and Front Yard shall correspond with the definitions contained in City By-law 60-94, as amended (Zoning). (136-2021)

### **Provision of Storage Space**

4.5.8 Every Owner or Occupant operating within a place of business shall provide sufficient garbage and refuse and recyclable materials storage facilities to ensure that all garbage, refuse and recyclable materials that occurs on the Property is properly contained therein at all times. (136-2021)

## **Refuse Enclosure**

4.5.9 External garbage and recycling storage areas, including areas located within a Building, shall be enclosed by a refuse enclosure approved by the City of Oshawa, Department of Development Services. (136-2021)

## **Idem**

4.5.10 Notwithstanding Article 4.5.9, City approval of garbage and recycling storage areas shall not be required for Properties containing only a detached Dwelling, semi-detached Dwelling, Street Townhouse Dwelling, or Block Townhouse Dwelling receiving curbside collection. (136-2021)

## **Common Means of Egress**

4.5.11 All common Means of Egress within a Property shall be maintained free from all obstructions or impediments. (136-2021)

## **4.6 Accessory Buildings or Structures**

### **Accessory Building, Fences and Retaining Walls**

4.6.1 Accessory Buildings, and other structures including fences and retaining walls located within a Property, or on the boundary line thereto, shall be structurally sound, maintained in good Repair, free of hazards and protected by preservatives or other weather resistant material.

## **4.7 Gantries and Antennas**

### **Securely Anchored**

4.7.1 Gantries, antennae and like structures located within a Property shall be securely anchored and maintained in a structurally sound condition and in good Repair.

## **4.8 Swimming Pools, Hot Tubs and Ponds**

### **Maintained in Good Repair**

4.8.1 Swimming pools, hot tubs, wading pools, hydro massage pools, spas, whirlpools and decorative ponds and (any appurtenances thereto) shall be maintained in good Repair, free from leaks, and free from health and safety hazards. (136-2021)

### **Pool Fences, Gates and Hardware**

4.8.2 Fences or gates (and their hardware) comprising a pool enclosure shall be maintained in good Repair, and in accordance with the City of Oshawa Pool Enclosure By-law 79-2006, as amended. (136-2021)

### **Derelict or Abandoned Pools**

4.8.3 Derelict or abandoned swimming pools, whether above-ground or in-ground, shall be drained and removed or filled and the Property left in a graded and leveled condition (136-2021).

### **Draining**

4.8.4 No Owner shall permit or allow water drained from swimming pools, hot tubs, wading pools and artificial ponds to drain or migrate onto adjacent Properties.

## **4.9 Hoarding**

### **Structurally Secure**

4.9.1 All hoarding shall be maintained in a structurally secure manner and painted or otherwise treated to inhibit deterioration.

## **Section 5 Building Standards**

### **5.1 Structural Soundness**

#### **Structurally Sound Condition**

5.1.1 Every part of a Building shall be maintained in a structurally sound condition and in good Repair so as to be capable of sustaining safely its own weight and any additional weight to which it may be subject through normal use. Every beam, column, joist, truss or other structural member or assembly showing signs of deterioration or distress shall be Repaired, reinforced or replaced.

#### **Ontario Building Code Standards**

5.1.2 Where any structural member or assembly is required to be Repaired, replaced or reinforced under Article 5.1.1 a building permit shall be obtained (where required by Building Services) prior to commencement of any remedial work. (136-2021)

#### **Objects or Materials Attached to Buildings**

5.1.3 Objects or materials that are attached to or form part of a Building and which have been broken, damaged, or that show evidence of rot or deterioration shall be removed, Repaired or replaced. Walls, roofs and other exterior parts of the Building shall be free from loose or unsecured objects, parts or material, and where such objects or material exist, they shall be removed, Repaired or replaced. Repair includes the temporary provision, installation and maintenance of substantial boarding, fencing, hoarding and barricades or other temporary protection for no longer than 30 days. (136-2021)

### **5.2 Building Envelope**

#### **Structural Soundness and Repair**

5.2.1 The foundations, walls, columns, beams, decks and roofs of all Buildings on a Property shall be maintained in a structurally sound condition and in good Repair.

#### **Maintenance**

5.2.2 Without restricting the generality of Article 5.2.1, "maintained in a structurally sound condition and in good Repair" includes:

- (a) extension of the wall foundations below grade or re-grading to provide adequate frost cover;
- (b) installing subsoil drains to overcome conditions detrimental to the Building;
- (c) Repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (d) grouting, waterproofing, cladding or replacing protective surfaces as necessary so as to be weather tight;
- (e) the application of materials that are effective to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
- (f) the restoration, or replacement of foundations, walls, columns, beams, decks, roofs, cladding, finishes and trims; and
- (g) carrying out other work as may be required to overcome existing settlement detrimental to the Building.

### **5.3 Exterior Walls and Attachments**

#### **Maintained in Good Repair**

5.3.1 Exterior walls of a Building (and their components) shall be maintained in good Repair and free from broken or loose masonry units, stucco, and other defective cladding or trim. Paint or other suitable preservative or coating must be applied and maintained so as to inhibit deterioration due to weather conditions, insects or other damage. (136-2021)



## **Graffiti**

5.3.2 Buildings and all other structures including fences (and their components) shall be free of painted slogans, graffiti and similar defacements. (136-2021)

5.3.2.1 The graffiti and defacements referenced in subsection 5.3.2 of this By-law do not include artwork, including graffiti, which is authorized pursuant to a program administered by the City's Community Services Department. (37-2017, 136-2021)

## **Canopies and Signs**

5.3.3 All canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts, and similar overhanging extensions, shall be maintained in good Repair, be properly anchored so as to be kept in a secure and sound condition, and shall be protected from the elements and against decay and rust by the periodic application of an effective weather coating material (such as paint or other protective treatment).

## **5.4 Roofs and Roof Structures**

### **Good Repair**

5.4.1 Every roof, including related roof structures and their components, fascias, soffits, eavestroughs, downpipes, guards and lightning arrestors, shall be maintained in good Repair and securely fastened to the Building. (136-2021)

### **Weathertight**

5.4.2 Roofs of Buildings (and their components) shall be maintained in a weathertight condition, free from loose or unsecured objects or materials.

### **Dangerous Accumulations of Ice and Snow**

5.4.3 The roofs of Buildings (including Accessory Buildings) shall be kept clear of dangerous accumulations of ice or snow.

## **5.5 Doors, Windows and Skylights**

### **Performing Intended Functions**

5.5.1 All doors, windows, skylights and shutters (including storm and screen doors and windows) shall be maintained in good Repair and capable of performing their intended functions.

### **Maintenance**

5.5.2 Exterior doors, windows and skylights shall be maintained so that they are weather tight. (136-2021)

### **Idem**

5.5.3 Without restricting the generality of Article 5.5.1, "maintained in good Repair" includes:

- (a) the refitting, replacement or Repairing of damaged, decaying, missing or defective doors, windows, frames, sashes, casings, thresholds, shutters, hatchways or screens; (136-2021)
- (b) reglazing cracked, broken or missing glass;
- (c) repairing or replacing defective or missing hardware;
- (d) weatherstripping and caulking (where such is defective or missing); and
- (e) the application of paint or a similar effective preservative to inhibit deterioration.

### **Prevention of Entry by Rodents or Vermin**

5.5.4 When an opening in an exterior wall is used or required for ventilation or illumination and is not required to be protected by a door, window, or similar closure, it shall be protected

with a metal grill or other equivalent durable material so as to effectively prevent the entry of birds, rodents, or vermin. (136-2021)

### **Latching From Within**

5.5.5 All openable windows and exterior doors in Apartment Buildings shall be provided with the means of being latched or secured from within.

### **Doors and Hardware for Apartments**

5.5.6 All openable doors and windows serving a Dwelling Unit shall be equipped with locks, and shall be maintained in good Repair and operable condition. (136-2021)

### **Screening**

5.5.7 All windows in a Dwelling Unit that can be (or are required by the Standards to be) openable shall be provided with screening to effectively prevent the entry of insects.

### **Window Safety in Apartment Buildings**

5.5.8 In every Apartment Building, every window (or any part thereof) that is located 2 m (6.5 ft) or more above the finished grade of land upon which it faces that is capable of being opened and does not lead to a balcony, shall be equipped with a safety device capable of controlling the free swinging or sliding of an openable part of a window so as to limit any clear unobstructed opening to not more than 100 mm (4 in) measured either vertically or horizontally. (136-2021)

### **Window Safety Common Areas**

5.5.9 All windows in any common area of Apartment Buildings that are greater than 2m (6.5 ft) above the finished grade of land upon which they face (and do not lead to a balcony) must have a Guard that complies with the OBC, if the window sill is less than 1m (3.25 ft) from the floor.

## **5.6 Verandahs, Porches, Decks, Loading Docks, Balconies, Stairs, Guards and Handrails**

### **Maintained in Good Repair**

5.6.1 Every verandah, porch, deck, loading dock, floor, stair, handrail, Guard, balcony (and every appurtenance and surface finish attached or laid thereto) shall be maintained in good Repair.

### **Idem**

5.6.2 Without restricting the generality of Article 5.6.1, "maintained in good Repair" includes:

- (a) Repairing or replacing floors, handrails, Guards, treads and risers, including finishes such as linoleum, tile and carpet that contain depressions, protrusions or that are broken, torn, warped, loose or otherwise defective;
- (b) Repairing, replacing or strengthening structural members that are rotted, deteriorated or loose; and
- (c) repainting or the re-applying of other effective protective preservative.

### **Handrails & Guards According to OBC**

5.6.3 Handrails and Guards for interior and exterior stairways and ramps shall be provided in accordance with the provisions of the OBC and maintained in good Repair and in a safe and structurally sound condition.

## **5.7 Interior Walls, Ceilings and Floors**

### **Walls, Ceilings and Floors**

5.7.1 Every wall, ceiling and floor shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects.

## **Finish**

5.7.2 A finish shall be applied to all walls and ceilings where same have been Repaired.

## **Water Resistant**

5.7.3 The walls and ceiling around a bathtub or shower shall be water-resistant.

## **Water Resistant Floor**

5.7.4 Every floor in a Washroom, shower room, laundry room and kitchen shall have water-resistant flooring.

## **General Cleanliness**

5.7.5 Every floor, wall, ceiling, furnishing, appliance, fixture and equipment in a Building (including the interior of Dwelling Units or Lodging Units) shall be maintained in a clean and sanitary condition and free from rubbish or other debris.

## **Dampness**

5.7.6 Every Dwelling shall be kept free from excessive dampness and moisture. (136-2021)

## **Household Garbage Storage**

5.7.7 All garbage shall be stored in a sanitary manner in receptacles (as provided for in subsection 4.5) and shall not be permitted to accumulate and remain on a Property except in accordance with the City's Waste Collection By-law 113-2008, as amended. (136-2021)

## **Fire Separation Between Res & Non-Residential**

5.7.8 A Fire Separation shall be provided and maintained between a Dwelling Unit and another occupancy or use as prescribed by the OBC.

## **5.8 Common Areas**

### **Maintained in Good Repair**

5.8.1 Common areas in Apartment Buildings, including laundry rooms, recreation rooms, storage rooms, hallways, elevator cages and other shared facilities shall be maintained in good Repair and kept clean and free from health, fire and accident hazards.

### **Free from Stains**

5.8.2 Interior cladding and finishes of floors, walls, ceilings and doors of common areas shall be kept free of stains and other defacement.

### **Main Areas**

5.8.3 All mail collection areas, including mailboxes (where supplied in any Building) shall be maintained in good Repair and kept clean. (136-2021)

## **5.9 Recreational Facilities**

### **Good Repair**

5.9.1 Recreational amenities, facilities, rooms and play area surfaces and equipment provided by an Owner shall be maintained in good Repair and in a safe condition. (136-2021).

## **5.10 Underground Parking Garages**

### **Good Repair**

5.10.1 Underground parking garages shall be:

- (a) maintained in good Repair and in a clean and safe condition;

- (b) free from wrecked, discarded or abandoned machinery, boats, vehicles, trailers, or parts thereof, etc.; and
- (c) maintained so as to prevent the accumulation of toxic fumes and the seepage escape of toxic fumes into a Building. (136-2021)

## **Security**

5.10.2 Vehicular and pedestrian doors should be maintained in good Repair and fitted with suitable security hardware in operable condition. (136-2021)

## **5.11 Artificial Lighting**

### **Emergency Lighting**

5.11.1 Interior emergency lighting, exit stairwells and exterior areas including parking lots, walkways, stairs, porches, verandas, loading docks, ramps and similar areas (but excluding parking or storage garages) shall be provided with a minimum Level Of Illumination of 10 Lux (0.9 Foot candles).

### **Passageways**

5.11.2 Despite Article 5.11.1, passageways and stairways in areas of employment (when in use) and corridors, passageways, elevators, doorways, stairways and storage rooms (but not including service, utility and laundry rooms) used by the public or tenants shall be provided with a minimum Level Of Illumination of 50 Lux (4.6 foot candles). (136-2021)

### **Parking**

5.11.3 Parking or storage garages shall be provided with a minimum Level Of Illumination of 50 Lux (4.6 Foot candles).

### **Washrooms**

5.11.4 Washrooms and recreation rooms used by the public and tenants shall be provided with a minimum Level Of Illumination of 100 Lux (9.3 Foot candles).

### **Utility Rooms**

5.11.5 Service, utility and laundry rooms used by the public and tenants shall be provided with a minimum Level Of Illumination of 200 Lux (18.6 foot candles).

### **Kept in Repair**

5.11.6 All artificial lighting (including exterior lighting fixtures, lamps and other supports and connections) shall be maintained in good Repair and in a safe working condition.

### **Nuisance Lighting**

5.11.7 Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a Dwelling. (132-2019)

## **5.12 Pest Prevention and Control**

### **Infestation**

5.12.1 All properties shall be kept free of pest infestation (including rodents, vermin and insects, reptiles, or other wild animals, pigeons, or other wild birds) and conditions that may promote an infestation at all times. (136-2021)

## **Section 6 Standards for Residential Occupancy**

### **6.1 Application**

#### **General Application**

6.1.1 The Standards prescribed by this Section apply to Apartment Buildings, Dwellings, and Lodging Houses.

## **6.2 Minimum Standards Required for Human Habitation**

### **Dwelling and Lodging Units**

6.2.1 No Dwelling Unit or Lodging Unit shall be used for human habitation unless:

- (a) interior cladding and finishes of walls, ceilings and floors are maintained in accordance with Subsection 5.7;
- (b) doors and windows are maintained in accordance with Subsections 5.5, 6.9 and 7.5;
- (c) a heating system is provided and maintained in accordance with Subsection 7.1;
- (d) the plumbing and drainage system is maintained in accordance with Subsection 7.2;
- (e) the electrical system is maintained in accordance with Subsection 7.3;
- (f) the minimum floor areas are in accordance with Subsections 6.3. or 6.4; and
- (g) the minimum headroom is in accordance with Subsections 6.5.

## **6.3 Minimum Required Floor Area for Dwelling Units**

### **Dwelling Unit**

6.3.1 The minimum floor areas for all rooms in a Dwelling Unit shall be in accordance with the provisions of the OBC.

## **6.4 Minimum Required Floor Areas for Lodging Units**

### **Lodging Unit**

6.4.1 The minimum floor area for a Lodging Unit shall be not less than 7m<sup>2</sup> (75 sq. ft.) for single occupancy and 4.6m<sup>2</sup> (50 sq. ft.) per Person for multiple occupancy.

## **6.5 Minimum Floor to Ceiling Height for Habitable Rooms**

### **Ceiling Height**

6.5.1 The minimum floor to ceiling height for Habitable Rooms shall not be less than 1.9m (6 ft., 5 in) over at least 50% of the floor area (as required by the Standards), provided that any part of the floor area having a clear height of less than 1.35m (4.4 ft.) shall not be considered in computing the required floor area.

### **Idem**

6.5.2 Despite Article 6.5.1, a minimum height of 1.9 m (6 ft. 5 in.) shall be required for all floor area used as a Means of Egress, except for stairs, which can be reduced to 1.8 m (5 ft. 11 in.). (136-2021)

## **6.6 Kitchen Facilities**

### **Kitchen Sink/ Storage Area/ Counter/ Spaces for Stove and Refrigerator**

6.6.1 Every Dwelling Unit shall contain a kitchen area equipped with:

- (a) a kitchen sink that is served with hot and cold potable water and is surrounded by surfaces impervious to grease and water;
- (b) suitable storage area of not less than 0.23 metres<sup>3</sup> (8 feet<sup>3</sup>) of which there shall be at least 1.0m (3 ft) in width of cabinet front;
- (c) a counter or work area at least 0.55m (1.8 ft.) in depth and at least 1.8m (6 ft.) in length (inclusive of the sink) and covered with a material that is impervious to water and grease and is easily cleanable; and

- (d) cooking and refrigeration appliances (including suitable electrical or gas connections thereto).

### **Good Repair**

6.6.2 The items provided pursuant to Article 6.6.1 shall be maintained in good Repair.

### **Maintenance of Appliances**

6.6.3 Appliances in a Dwelling Unit shall be maintained in good Repair and in a safe, operable condition.

### **Lodging House**

6.6.4 The provisions of this Subsection also apply to kitchen facilities and Appliances that may be provided in a Lodging House.

## **6.7 Toilet and Washroom Facilities**

### **Washroom Requirements**

6.7.1 Every Dwelling Unit shall contain at least one Washroom that includes the following:

- (a) at least one fully operational water closet (toilet); and (136-2021)
- (b) at least one washbasin; and
- (c) at least one bathtub or shower unit.

### **Lodging House Requirements**

6.7.2 Every Lodging House shall have at least one toilet and one wash basin, and one bathtub or shower unit for every five occupants.

### **Water Closet**

6.7.3 Every toilet, urinal and water closet shall function as designed and will effectively empty the contents thereof.

### **Door Secured For Privacy**

6.7.4 Every required Washroom shall be accessible from within the Building and shall be fully enclosed and provided with a door capable of being secured from the inside to allow privacy for the Persons using the room.

### **Common Entrance for Shared Washroom**

6.7.5 Where Washroom facilities are shared by Occupants of a Building, other than self-contained Dwelling Units, an entrance shall be provided from a common passageway, hallway, corridor or other common space.

### **Water Closet**

6.7.6 No toilet, urinal or water closet shall be located in a Habitable Room or in a room used for storage of food.

## **6.8 Ventilation**

### **Habitable Rooms**

6.8.1 Every Habitable Room (except for a living room or a dining room) shall be provided with natural or mechanical ventilation which shall consist of an opening or openings with a minimum unobstructed free flow area of 0.28 m<sup>2</sup> (3 sq. ft.) and be located in the exterior walls or through openable parts of skylights. (136-2021)

## **Washrooms**

6.8.2 Every Washroom shall be provided with an opening or openings for natural or mechanical ventilation located in an exterior wall (or through openable parts of skylights) and all such openings shall have a minimum aggregate unobstructed area of 0.09 m<sup>2</sup> (1 sq ft).  
(136-2021)

## **Exhaust to Outside**

6.8.3 An opening for natural ventilation may be omitted from a Washroom where a system of mechanical ventilation has been provided (such as an exhaust fan which is activated by a switch, with a duct leading to outside) capable of changing the air once each hour.  
(136-2021)

## **Attic Roof Spaces**

6.8.4 Every enclosed attic or roof space shall be vented by openings to the exterior to provide at least 0.09m<sup>2</sup> (1 sq. ft.) of unobstructed vent area for every 27.9m<sup>2</sup> (300 sq. ft.) of attic or roof space. The vents required by this Article may be roof, eave or gable end corrosion-resistant louvers or screens, or any combination thereof.

## **Crawl Spaces and Cellars**

6.8.5 Crawl spaces and unfinished basements and cellars shall be adequately ventilated to the exterior by natural or mechanical means. For the purposes of this Article, areas are adequately vented when (in a basement or cellar) windows which can be opened or screened openings are provided (the aggregate area of which shall not be less than one percent of the floor area) and (for an unheated crawl space only) louvers with insect screens of corrosion resistant material are provided.

## **Ventilation in Public Areas**

6.8.6 Every laundry room, garbage disposal room, furnace room, boiler room, storage garage, public corridor and other similar public room or space of a Building shall be adequately ventilated.

## **6.9 Natural and Artificial Lighting**

### **Habitable Rooms**

6.9.1 Every Habitable Room (except a kitchen, dining room, or basement recreation room) shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space that admit natural light equal to not less than five percent (5.0%) of the floor area for living rooms and two and one half percent (2.5%) of the floor area for bedrooms and other Habitable Rooms not excluded by the foregoing. (136-2021)

### **Living Room**

6.9.2 A window is not required in a living room if:

- (a) there is an opening that is minimum five percent (5.0%) of the total living room space in a dividing wall to an adjoining room;
- (b) the adjoining room has a window to the outside; and
- (c) the total window area of the adjoining room is at least five percent (5.0%) of the combined floor areas of the living room and the adjoining room. (136-2021)

### **Artificial Lighting in Residential Buildings**

6.9.3 Artificial lighting shall be provided at all times in all Apartment Buildings, Dwellings and Lodging Houses in accordance with Subsection 5.11.

## **6.10 Egress Windows**

6.10.1 Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom shall be provided with at least one outside window that:

- (a) is openable from the inside without the use of tools;
- (b) has an unobstructed open portion having a minimum area of 3.8 ft<sup>2</sup> (0.35 m<sup>2</sup>) with no dimension less than 15" (380 mm);
- (c) when sliding windows are used, the minimum dimensions described in (b) shall apply to the openable portion of the window; and
- (d) except for basement areas, egress windows shall have a maximum sill height of 1000 mm above the floor.

6.10.2 Egress windows that open into a window well require a minimum clearance of 22" (550 mm) in front of the window. Window wells must not encroach onto adjacent properties.

6.10.3 No windows shall be added to walls erected less than 4'-0" (1200 mm) from the Property line, unless protected with a fire resistance rating of 45 minutes.

6.10.4 A basement containing bedrooms will require direct access to outdoors in case of fire. This may be provided through a basement walk-out door or an egress window.

(136-2021)

## **Section 7 Standards for Building Services, Systems and Facilities**

### **7.1 Heating, Ventilation and Mechanical Systems**

#### **Heating System**

7.1.1 All Buildings (except Buildings used exclusively for the storage of goods, chattels or equipment where no persons are employed in duties and operations in that Building) shall be provided with a suitable permanent heating system capable of maintaining an indoor ambient minimum temperature of 22 degrees Celsius (72.1°F), 1.0m (3.3 ft) above floor level and 1.0m (3.3 ft) or more from every exterior wall. (77-2006)

#### **Minimum Heat Requirements 22°C**

7.1.2 Intentionally Deleted.

(98-2019)

#### **Temporary Portable Heating**

7.1.3 Portable heating equipment shall not be used as the primary source of heat.

#### **Prevention of Passage of Smoke, Fumes and Gases**

7.1.4 Every Dwelling Unit shall be constructed (or otherwise separated) to prevent the passage of smoke, fumes and gases from an attached garage into other parts of the Dwelling. Such construction or separations shall conform to the OBC.

#### **Proper Venting to Outside**

7.1.5 All fuel burning appliances, equipment, and accessories shall be properly vented to the outside air by means of a smoke pipe, gas vent, chimney flue or other method effective to remove substantially all fumes and gases.

#### **Chimneys**

7.1.6 Every chimney flue, smoke pipe and gas vent shall be maintained in good Repair so as to prevent gases from leaking into the Building where they originate, and so that any combustible material adjacent thereto, insulated therefrom, or in contact therewith shall not be heated to unsafe temperatures. For the purposes of this Article, "maintained in good Repair" shall include clearing the flue of obstructions, sealing open joints and Repairing or replacing all broken and loose masonry and lining or relining with fire resistant material.

#### **Fireplaces**

7.1.7 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to proper chimneys, and shall be maintained so that nearby or



adjacent combustible material and structural members shall not be heated to unsafe temperatures. For the purposes of this Article, "maintained" includes lining and Repairing and relining with fire resistant material, and installing and replacing the hearth.

### **Other Fuel Burning Appliances**

7.1.8 Every fuel-burning appliance, whether for heating or cooking, shall be properly connected by a rigid duct to a chimney flue, smoke pipe or gas vent adequate to remove substantially all fumes and gases, except those appliances that have been approved for use without venting pursuant to the specifications contained in the OBC. (136-2021)

### **Maintained in Good, Safe and Operable Repair**

7.1.9 Heating, ventilating and mechanical systems (including factory built stoves, fireplaces, and chimneys, fans, pumps, filtration and other equipment provided to supply heat or air conditioning or other services) shall be maintained in good Repair and in a safe and operable condition. (136-2021)

### **Supply of Combustion Air**

7.1.10 A space that contains a heating unit or incinerator that requires combustion air shall have natural or mechanical means of supplying the required combustion air.

### **Air Conditioner Condensation**

7.1.11 Air conditioners shall be equipped with proper devices to prevent condensation draining onto publicly owned sidewalks, walkways, entrances and other pedestrian routes.

## **7.2 Plumbing and Drainage Systems**

### **Water System Available Within 30m**

7.2.1 Where facilities of the Water System are located within 30m of any Property line, every Building on the Property requiring the use of water shall be connected thereto.

### **Sewerage System Available Within 30m**

7.2.2 Where facilities of the Sewerage System are located within 30m of any Property line, every Building on the Property requiring the use of a sewer shall be connected thereto.

### **Other Approved Water Supply**

7.2.3 Where facilities of the Water System are not available (or connection to the Water System is for any reason not permitted) every Dwelling shall be supplied with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

### **Septic Tank Approval Where System not Available**

7.2.4 Where facilities of the Sewerage System are not available (or connection to the system is for any reason not permitted) and the Property area and soil conditions are such that a septic tank system or equivalent system can be provided in compliance with all applicable laws and regulations, such a system shall be provided for each Dwelling, and approved by the City.

### **Approval for Alternate Sewage Disposal System**

7.2.5 Where facilities of the Sewerage System are not available and where a septic tank or equivalent system cannot be installed, no Dwelling shall be occupied unless a sewerage disposal method approved by the City is provided.

### **Continued Use of Potable Water Supply**

7.2.6 Despite Article 7.2.1, provided an adequate supply of potable running water is available to a Property from a source other than the Water System, the Medical Officer of Health may permit the continued use of the other source unless any test indicates the water from the other source was at any time not potable. (136-2021)

## **Continued Use of Septic System**

7.2.7 Despite Article 7.2.2, where an adequate septic tank system or equivalent system is functioning properly, the City may permit the continued use of such system.

## **Where Septic System Fails**

7.2.8 Where a septic system on a Property ceases to function, such system shall be Repaired or replaced (as approved by the City) unless the Sewerage System is located within 30m of the Property line, in which case every Building on the Property requiring the use of a sewer shall be connected thereto in accordance with the provisions of Article 7.2.2.

## **Plumbing & Drainage Systems to be Maintained in Repair**

7.2.9 All plumbing and drainage systems (and their appurtenances including all Plumbing Fixtures) shall be maintained in good Repair, in a safe and operable condition, adequately protected from freezing, and shall be supplied with potable water sufficient for normal use at a flow and pressure sufficient for the intended use of the fixtures installed.  
(136-2021)

## **Hot Water Temperature**

7.2.10 Every washbasin, bathtub, shower, and kitchen sink shall be equipped with an adequate supply of hot and cold running water.  
(136-2021)

## **Restaurant Access to Public Washrooms**

7.2.11 Every Building or part of a Building on a Property that is used as a Restaurant and that provides an area to consume the food on the Property (indoors or outdoors) shall include access to a public Washroom located on the Property.

## **Public Washroom Access in Businesses**

7.2.12 Every business that provides washrooms for the public to use shall maintain access to such washrooms by the public during the hours of operation of the business and shall provide signage indicating the location of the public washrooms in areas where the public can readily view the signs.  
(136-2021)

## **7.3 Electrical Service**

### **Electrical Services**

7.3.1 Every Building shall be wired for electricity and shall be connected to a source of electricity, in accordance with the regulations pursuant to the *Electricity Act*, S.O. 1998, c.15.

### **Duplex Outlets**

7.3.2 Every Habitable Room in a Dwelling shall have at least one electrical duplex outlet for each 11.1m<sup>2</sup> (120 sq. ft.) of floor space and for each additional 9.3m<sup>2</sup> (100 sq. ft.) of floor area a second duplex outlet shall be provided.

### **Permanent Light Fixtures**

7.3.3 Every Washroom, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent operable light fixture.

### **Lighting Throughout Dwelling Unit**

7.3.4 Lighting fixtures installed throughout a Dwelling Unit (including those installed in hallways, stairways, corridors, passageways, garages and basements) shall provide sufficient illumination so as to prevent accident hazards during normal use.

### **Electrical Supply and Service Adequate for Use in a Building**

7.3.5 The capacity of the electrical service connection to a Building, and the system of circuits distributing the electrical supply within the Building, shall be adequate for the use and

intended use thereof and shall be in compliance with the regulations pursuant to the *Electricity Act*, S.O. 1998, c.15.

### **Kitchen to Have Suitable Outlets**

7.3.6 Despite Article 7.3.2, no fewer than two (2) electrical duplex convenience outlets on separate circuits shall be provided in kitchens in Dwelling Units. One such outlet shall be provided over the countertop work surface and one shall be provided at the refrigerator space.

### **Maintained in Good Working Order and Safe**

7.3.7 Electrical wiring, circuits, fuses, circuit breakers, fixtures, electrical equipment and electrical heating systems (where provided) shall be installed and maintained in good working order at all times, in compliance with the *Electricity Act*, S.O. 1998, c. 15 and the regulations made thereunder. (136-2021)

### **Extension Cords**

7.3.8 Extension cords shall not be maintained, placed or attached, or permitted to be placed or attached through any doorway or transom, nor to any door frame, window frame, ceiling, wall or floor.

### **Idem**

7.3.9 Electrical cords that are not part of a lighting fixture, machine, or device shall not be used or permitted to be used on a permanent or semi-permanent basis. However, nothing in this Article prevents the use of an extension cord on a semi-permanent basis if used under supervision during any portion of a single day. (136-2021)

## **7.4 Disconnected Utilities**

### **No Disconnection**

7.4.1 No Owner shall disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas or water to a Building, nor to a Dwelling Unit or Lodging Unit occupied by a tenant, lessee or Occupant of such Building, except for such reasonable period of time as may be necessary for the purpose of Repairing, replacing, or otherwise altering the service or utility. (136-2021)

## **7.5 Fire Escapes**

### **Good Repair**

7.5.1 Every fire escape shall be maintained in good Repair, free from obstructions, and accessible through a door or an openable window.

## **7.6 Elevating Devices**

### **Good Repair**

7.6.1 Elevators (where provided) and all its parts and components (including lighting fixtures, lamps, elevators buttons, floor indicators and ventilation fans) shall be maintained in good Repair.

## **7.7 Building Security/Access Voice Communications**

### **Good Repair**

7.7.1 In Apartment Buildings where a voice communications system exists between each Dwelling Unit and the lobby and/or, where a security locking and release system for the entrance is provided and is controlled from each Dwelling Unit, such system shall be maintained in good Repair and in an operable condition. (136-2021)

## **7.8 Emergency Contact In Apartment Buildings**

### **Telephone Number of Authorized Persons**

7.8.1 The Owner of every Apartment Building shall cause:

- (a) the name, address and telephone number of the current manager or the Person responsible for the Property, and
- (b) the name and telephone number of an authorized Person to contact in case of an emergency on a 24 hour basis
- (c) to be posted in a prominent place on or in the Apartment Building that is common to or regularly frequented by the residents therein.

## **Section 8 Vacant Buildings**

### **8.1 Vacant Buildings**

#### **Protection**

8.1.1 The Owner of any vacant Building or other vacant Property shall protect the Building or vacant Property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized Persons.

#### **Cleared of Garbage and Services Turned Off**

8.1.2 Vacant Buildings, including vacated fire damaged Buildings, shall be kept cleared of all garbage, rubbish, flammable substances and debris and shall have all water, electrical and gas services turned off except for any such service that is required for the security and maintenance of the Property.

#### **Boarding Up Vacant Buildings**

8.1.3 Vacant Buildings shall be demolished or boarded up and maintained securely in a suitable manner that may include the following:

- (a) Lock all doors and windows.
- (b) Ensure on-going maintenance.
- (c) Close all basement hatches, openings, walkways and windows.
- (d) Install wood boards covering all openings through which entry may be obtained with the following characteristics:
  - a. At least 12.7 mm (0.5 inches) thick and weatherproof
  - b. Installed from the exterior and interior and fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim and cladding remains uncovered and undamaged by the boarding
  - c. Fastened securely in a manner that minimizes damage
  - d. All boards used shall be painted
    - i. In the case of boards located in a window or door opening, black
    - ii. In the case of all other boards, painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- (e) Temporary metal security fencing around the perimeter. The fence must be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high security pad locks. (90-2020)

#### **Repair or Demolish Vacant Buildings**

8.1.4 Despite Article 8.1.3, the Owner of any Property on which is situate a Building, or part thereof, that does not possess Heritage Attributes and is boarded up for a period exceeding 24 months shall either Repair the Building and bring it into conformity with the

Standards rendering the Building in a useable condition, or shall clear the Property of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.

## **Section 9 Designated Heritage Properties**

### **9.1 Maintenance of Designated Heritage Properties**

- 9.1.1 Despite any provision of this By-law, the OBC or the Building Code Act, no Heritage Attribute may be altered, demolished, removed, or relocated except in accordance with this By-law and the Ontario Heritage Act including any permits or permissions required under such Act.
- (a) Without limiting the generality of the foregoing no Owner may change a Heritage Attribute in any manner unless the Owner applies to Oshawa's City Council and receives consent in writing to the change.
- 9.1.2 In addition to the minimum standards for maintenance and occupancy set out elsewhere in this By-law, the Owner of a Heritage Property shall maintain, preserve and protect its Heritage Attributes by undertaking Repairs as necessary.
- 9.1.3 In the event of conflict between anything in Section 9 of this By-law and any other sections of this By-law, this Section 9 shall prevail.
- 9.1.4 In addition to the standards, obligations and requirements that apply to all properties under this By-law, a part of a Heritage Property, including but not limited to a roof, wall, floor, retaining wall or foundation, that supports or protects a Heritage Attribute and without which the Heritage Attribute may be at risk of deteriorating or being damaged, shall be structurally sound and maintained in good Repair in a manner that minimizes damage to the Heritage Attribute.

(90-2020)

By-law read a first, second and third time and finally passed this fourteenth day of January, 2002.

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