



By-Law 1-2002

SECTION 1	ADMINISTRATION, INTERPRETATION AND ENFORCEMENT	4
1.1	Short Title	4
1.2	Scope	4
1.3	Enforcement	4
1.4	Compliance	4
1.5	Severability	5
1.6	Compliance with other By-Laws and Regulations	6
1.7	Number	6
1.8	Headings	6
1.9	Numbering System	6
1.10	Measurements	6
1.11	Use and Occupancy	7
1.12	And/Or	7
1.13	References to Legislation	7
1.14	Repeal of Existing By-Law (136-2021)	7
1.15	Effective Date	7
1.16	Transitional Rules	7
1.17	Certificate of Compliance	7
1.18	Property Standards Committee	8
1.19	Fees and Charges	8
SECTION 2	DEFINITIONS	9
SECTION 3	GENERAL DUTIES AND OBLIGATIONS	12
3.1	Repairs and Workmanship	12
SECTION 4	PROPERTY MAINTENANCE, WASTE MANAGEMENT, AND ACCESSORY BUILDINGS OR STRUCTURES AND HAZARDS	12
4.1	Property	12
4.2	Surface Conditions	13
4.3	Sewage and Drainage	13
4.4	Compost Heaps	14
4.5	Refuse Storage and Disposal	14
4.6	Accessory Buildings or Structures	15

This consolidated by-law is made available for information and convenience purposes only. For accuracy, By-law 01-2002 along with amending By-laws 77-2006, 93-2013, 3-2014, 37-2017, 98-2019, 132-2019, 90-2020, 136-2021, 44-2022, 96-2022, 89-2024, 153-2024, and 79-2025 should be reviewed.

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. (79-2025)
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. (79-2025)

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.
 - 1.4.1.1. Notwithstanding the foregoing, where the Property does not conform with the Standards due to alternative or acceptable solutions previously accepted by the City under the Ontario Building Code, where proven by the Owner to the satisfaction of the City, the alternative or acceptable solution shall prevail to the extent the alternative or acceptable solution does not conform with the Standards. (79-2025)

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, 153-2024)

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, “m²” stands for square metres, “m³” 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 91-98 shall apply only to those Properties in which an Order has been issues 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, 153-2024)

1.17 Certificate of Compliance

Compliance Certificate

1.17.1 Upon payment of its fee, as prescribed by the Fees and Charges By-law 109-2024, or its successor, 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, 153-2024, 79-2025)

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 Fees and Charges By-law 109-2024, or its successor. (136-2021, 153-2024, 79-2025)

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 Fees and Charges By-law 109-2024, or its successor, 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, 153-2024, 79-2025)

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. (79-2025)

“Access to Exit” means that part of a means of egress within a floor area that provides access to an Exit serving the floor area. (79-2025)

“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, 79-2025)

“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, 79-2025)

“Building” means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosures of Persons, animals, goods, chattels or equipment and includes a carport. (79-2025)

“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, 79-2025)

“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.

“Exit” means that part of a Means of Egress, including doorways, that leads from the floor area it serves to a separate Building, an open public thoroughfare, or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare. (79-2025)

“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, and is not a Washroom. (136-2021, 79-2025)

“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, 79-2025)

“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” means a continuous path of travel provided for the escape of persons from any point in a Building or contained open space to a separate Building, an open public thoroughfare, or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare. Means of Egress includes Exits and Access to Exits. (136-2021, 79-2025)

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

“Municipal 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. (79-2025)

“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 163/24: Building Code, made under the *Building Code Act*, S.O. 1992, c.23, as amended, or any successor thereof. (136-2021, 79-2025)

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

- 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 Municipal Sewerage System or private sewage system as determined by the authority having jurisdiction over sewage collection in the City. (136-2021, 79-2025)
- 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 Each Property shall be maintained so as to prevent at grade ponding covering an area of 9 m² (100 ft²) or greater, or being 30 cm (12 in) in depth at any point, and where

applicable, shall drain in accordance with systems approved under the Storm Sewer Connection By-law 09-90, as amended or storm water systems as approved by the City.
(79-2025)

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.
(79-2025)

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. (136-2021, 79-2025)

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 the City) prior to commencement of any remedial work. (136-2021, 79-2025)

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) intentionally deleted; (79-2025)
- (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, 79-2025)
- 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. (37-2017, 136-2021, 79-2025)

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 or 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 that is maintained and in good Repair.
(136-2021, 79-2025)

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, Ramps, Guards and Handrails (79-2025)

Maintained in Good Repair

5.6.1 Every verandah, porch, deck, loading dock, floor, stair, ramp, handrail, Guard, balcony (and every appurtenance and surface finish attached or laid thereto) shall be maintained in good Repair.
(79-2025)

Idem

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

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

Maintained in Good Repair (79-2025)

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

Maintained in Good Repair (79-2025)

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 (a) All emergency lighting shall be provided, maintained, and operated in accordance with the requirements of the Building Code Act and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, and the regulations made under those Acts, and shall not be subject to the Standards set out in this by-law.

(b) Notwithstanding the foregoing, all emergency lighting shall be maintained in good Repair. (79-2025)

5.11.2 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, 79-2025)

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.

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 in good Repair, in good working order, and served with hot and cold potable water; and (79-2025)
 - (b) Cooking and refrigeration appliances (including suitable electrical or gas connections thereto) that are in good Repair and in good working order. (79-2025)
 - (c) Intentionally deleted. (79-2025)
 - (d) Intentionally deleted. (79-2025)

Maintained in Good Repair (79-2025)

- 6.6.2 Every cabinet, cupboard, shelf and counter top shall be maintained in a structurally sound condition, free from cracks and deterioration. (79-2025)

Maintenance of Appliances

- 6.6.3 Appliances in a Dwelling Unit and Lodging House shall be maintained in good Repair and in a safe, operable condition. (79-2025)

Intentionally Deleted (79-2025)

- 6.6.4 Intentionally deleted. (79-2025)

6.7 Toilet and Washroom Facilities

Washroom Requirements

- 6.7.1 Every Dwelling Unit shall contain at least one fully functional Washroom that includes the following: (79-2025)
- (a) a water closet (toilet); (136-2021, 79-2025)
 - (b) a washbasin; and (79-2025)
 - (c) a bathtub or shower unit. (79-2025)

Lodging House Requirements

- 6.7.2 Every Lodging House shall have at least one water closet (toilet), and one wash basin, and one bathtub or shower unit. (79-2025)

Good Repair (79-2025)

- 6.7.3 Every Washroom shall be maintained in good Repair. (79-2025)

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 A water closet shall not be located in a Habitable Room or in a room used for storage of food. (79-2025)

6.8 Ventilation

Natural and Mechanical Ventilation (79-2025)

6.8.1 All natural and mechanical ventilation systems shall be maintained in good Repair.
(136-2021, 79-2025)

Habitable Rooms (79-2025)

6.8.2 All Habitable Rooms shall be provided with natural or mechanical means of ventilation that is adequate for the use of the space.
(136-2021, 79-2025)

Washrooms

6.8.3 Every Washroom, except that which only contains a water closet and a washbasin, 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 m² (1 sq ft).
(136-2021, 79-2025)

Exhaust to Outside (79-2025)

6.8.4 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.
(79-2025)

Attic Roof Spaces (79-2025)

6.8.5 Ventilation systems serving enclosed attic or roof space shall be maintained in good Repair.
(79-2025)

Crawl Spaces and Cellars (79-2025)

6.8.6 Ventilation systems serving crawl spaces, unfinished basements and cellars shall be maintained in good Repair.
(79-2025)

Ventilation in Public Areas (79-2025)

6.8.7 Ventilation systems serving laundry rooms, garbage disposal rooms, furnace rooms, boiler rooms, storage garages, public corridors and other similar public rooms or spaces of a Building shall be maintained in good Repair.
(79-2025)

6.9 Natural and Artificial Lighting

Intentionally Deleted (79-2025)

6.9.1 Subject to Articles 6.9.2 and 6.9.3, every bedroom, living room and dining room shall have a window (which may be part of a door) to the outside of the Building.
(136-2021, 79-2025)

Intentionally Deleted (79-2025)

6.9.2 A window is not required in a dining room if it has artificial lighting.

- (a) intentionally deleted;
- (b) intentionally deleted; and
- (c) intentionally deleted.

(136-2021, 79-2025)

Intentionally Deleted (79-2025)

6.9.3 A window is not required in a living room or dining room if,

- (a) There is an opening 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 5 percent of the combined floor areas of the living room or dining room and the adjoining room. (79-2025)

6.9.4 Artificial lighting shall be maintained in good Repair. (79-2025)

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 ft² (0.35 m²) 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)

6.10.5 Egress windows shall be maintained in Good Repair. (79-2025)

Section 7 Standards for Building Services, Systems and Facilities

7.1 Heating, Ventilation and Mechanical Systems

Heating System

7.1.1 All Buildings that are designed with a heating system shall be maintained in good Repair and capable of maintaining suitable temperature. (77-2006, 79-2025)

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 Venting which serves fuel burning appliances equipment, and accessories shall exhaust 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. (79-2025)

Chimneys

7.1.6 Intentionally deleted. (79-2025)

Fireplaces

7.1.7 Fireplaces and similar fixtures used or intended to be used for burning fuels in open fires shall be connected to proper chimneys, and shall be maintained in good Repair 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. (79-2025)

Intentionally Deleted (79-2025)

7.1.8 Intentionally deleted. (136-2021, 79-2025)

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 an appliance or fixture that requires combustion air shall have natural or mechanical means of supplying the required combustion air. (79-2025)

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

Intentionally Deleted (79-2025)

7.2.1 Intentionally deleted. (79-2025)

Intentionally Deleted (79-2025)

7.2.2 Intentionally deleted. (79-2025)

Potable Water Supply (79-2025)

7.2.3 Every Dwelling shall be supplied with an adequate supply of potable running water. (79-2025)

Sewage System (79-2025)

7.2.4 Every sewage system shall be maintained in good Repair. (79-2025)

Intentionally Deleted (79-2025)

7.2.5 Intentional deleted. (79-2025)

Intentionally Deleted (79-2025)

7.2.6 Intentionally deleted. (136-2021, 79-2025)

Intentionally Deleted (79-2025)

7.2.7 Intentionally deleted. (79-2025)

Intentionally Deleted (79-2025)

7.2.8 Intentionally deleted. (79-2025)

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

Intentionally Deleted (79-2025)

7.3.1 Intentionally deleted. (79-2025)

Duplex Outlets

7.3.2 Every Habitable Room in a Dwelling shall have at least one electrical duplex outlet.
(79-2025)

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 Every kitchen shall have outlets suitable for a refrigerator and a cooking appliance.
(79-2025)

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

Maintained in Good Repair (79-2025)

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

Maintained in Good Repair (79-2025)

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

Maintained in Good Repair (79-2025)

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 12 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. The Owner shall obtain a building permit for the demolition of any Buildings or Structures as required by the City. (89-2024, 79-2025)

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.

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

29