



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT

**BY-LAW #2019-054**  
**PROPERTY STANDARDS BY-LAW**

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**THE CORPORATION OF  
THE TOWN OF KIRKLAND LAKE**

**BY-LAW 2019-054**

**A By-law to Prescribe Standards for  
Maintenance and Occupancy of  
Properties within the Town of Kirkland Lake**

**WHEREAS** under Section 15.1(3) of the *Building Code Act*, SO 1992, c.23, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the Official Plan for the Town of Kirkland Lake includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Town of Kirkland Lake is desirous of passing a By-law under Section 15.1(3) of the *Building Code Act*, SO 1992, c.23;

**AND WHEREAS** Section 15.6(1) of the *Building Code Act*, SO 1992, c. 23 requires that a By-law passed under Section 15, 1(3) of the *Building Code Act*, SO 1992, c. 23 shall provide for the establishment of a Property Standards Committee;

**NOW THEREFORE** the Council of the Town of Kirkland Lake hereby enacts the following:

**PART I  
DEFINITIONS**

1. **“Accessory Building”** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
2. **“Act”** means an enactment or statute of the Province of Ontario.
3. **“Approved”** means acceptance by the Property Standards Officer.
4. **“Basement”** means that portion of a building between two floor levels, which is partly underground, and which has at least one-half its height from finished floor to the underside of the first-floor joists above the average finished grade level adjacent to the exterior walls of the building.
5. **“Bathroom”** means a room containing at least one water closet, one wash basin and one bathtub or shower, or two rooms which contain in total at least one water closet, one wash basin and one bathtub or shower.
6. **“Building”** means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone or sign.
7. **“Building Code”** means the *Building Code Act*, and any regulations made under that *Act*.
8. **“By-law”** unless otherwise referred to herein means this “Property Standards By-law”.
9. **“Chief Official”** means the Chief Building Official appointed under the *Building Code Act, 1992, c.23* and having jurisdiction for the enforcement thereof.
10. **“Clerk”** shall mean the Clerk, of the Corporation of the Town of Kirkland Lake.
11. **“Committee”** means the Property Standards Committee for the Corporation of the Town of Kirkland Lake.
12. **“Council”** means the Council of the Corporation of the Town of Kirkland Lake.
13. **“Dwelling”** means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation.

14. **“Dwelling Unit”** means one or more rooms connected together as a separate unit in the same structure and constituting as independent housekeeping unit for residential occupancy by humans for living, cooking, eating, sleeping and sanitary purposes.
15. **“Fence”** means any structure, wall or barrier constructed of chain link metal, or of wood, stone, metal or material having an equivalent degree of strength.
16. **“Guard” or “Guard Rail”** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
17. **“Habitable Room”** means any room in a dwelling unit used or intended to be used for sleeping, living, cooking or eating purposes.
18. **“Maintenance”** means the preservation and keeping in repair of a property.
19. **“Means of Egress”** means a continuous unobstructed path of travel provided by an exit or access to exits including a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space, usually located outside the building.
20. **“Non-habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room and includes: a bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storey’s, or basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
21. **“Occupant”** as defined under section 15.1 of the *Building Code Act* and any person or persons over the age of eighteen years in possession of the property.
22. **“Occupancy”** means the use or the intended use of a building or part thereof for the shelter or support of persons, animals or property.
23. **“Officer”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
24. **“Owner”** means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property.
25. **“Person”** means an individual, firm, corporation, association, partnership, contractor, company, owner or lessee.
26. **“Property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
27. **“Residential Property”** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep, and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.
28. **“Repair”** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
29. **“Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
30. **“Sewer System”** means the municipal system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the municipality.

31. **“Sign”** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.
32. **“Toilet Room”** means a room containing a water closet and wash basin.
33. **“Town”** means the Corporation of the Town of Kirkland Lake.
34. **“Yard”** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

**PART II**  
**GENERAL STANDARDS FOR ALL PROPERTY AND USES**

**2.1 SCOPE**

1. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
2. The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards in this by-law or shall clear the property in a graded and leveled condition.
3. All repairs and maintenance of property shall be carried out with suitable and sufficient materials.
4. All new construction or repairs shall conform to the *Ontario Building Code*, where applicable.

**2.2 YARDS**

1. Every yard, including vacant lots, shall be kept clean and free from dilapidated, collapsed or partially constructed structures which are not currently under construction.

**2.3 SURFACE CONDITIONS**

1. Surface conditions of yards shall be maintained so as to:
  - (a) prevent ponding of storm water;
  - (b) prevent instability or erosion of soil;
  - (c) prevent surface water run-off from entering basements;
  - (d) be kept free of deep ruts and holes;
  - (e) provide for safe passage under normal use and weather conditions.

**2.4 SEWAGE AND DRAINAGE**

1. Sewage shall be discharged into the sewage system where such a system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable by the Temiskaming Health Unit.
2. Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
3. Roof drainage shall not be discharged or channeled onto sidewalks, stairs or adjacent property.

**2.5 ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

1. Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

**2.6 FENCES**

1. A fence erected on a property or separating adjoining properties shall be maintained:
  - (a) in good repair free from loose or insufficiently secured, rotten, warped or broken materials;
  - (b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subjected to;
  - (c) kept free from objectionable markings, painted slogans or other defacements.

**2.7 SIGNS**

1. A sign and any structure connected therewith shall be installed and maintained:
  - (a) in good repair;
  - (b) in a safe and structurally sound condition; and
  - (c) in a reasonably vertical plane unless otherwise approved by the Town of Kirkland Lake.

## **2.8 EXTERIOR LIGHTING**

1. Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
2. All underground parking areas and common areas shall be illuminated so as to provide safe passage under normal use.
3. Facilities for lighting shall be maintained in good working order.

## **PART III EXTERIOR PROPERTY AREAS**

### **3.1 STRUCTURAL ADEQUACY**

1. All repairs and maintenance of property by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with suitable materials.
2. Every part of a property shall be maintained in good repair and in structurally sound condition so as to:
  - (a) be capable of sustaining its own weight safely and additional load;
  - (b) be capable of safely accommodating all normal structural movements without decay or damage;
  - (c) prevent the entry of moisture that would contribute to damage, growth, decay or deterioration; and
  - (d) be capable of safely and adequately performing its function.

### **3.2 FOUNDATIONS, WALLS AND BASEMENTS**

1. The foundation walls and basement, cellar or crawl space floors shall be maintained in good repair free from major cracks, breaks or other defects and shall be structurally sound, and where necessary shall be maintained by shoring of the walls and joists, grouting masonry cracks, parging and water proofing the walls or floors.
2. Every basement, cellar and crawl space in a dwelling or building shall be adequately drained, and adequately ventilated to the outside air.
3. A foundation wall of a building shall be adequately waterproofed so as to prevent the infiltration of moisture.

### **3.3 EXTERIOR WALLS, SURFACES AND CLADDING**

1. All exterior surfaces shall be of materials which provide adequate protection from the weather.
2. The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and insects, and shall be so maintained by the painting, restoring or repairing of the walls.

### **3.4 DOORS, WINDOWS, CELLARS AND HATCHWAYS**

1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors, including storm and screen doors, shall be maintained in good working order and shall be of such construction as to prevent the entrance of wind, snow or rain into building and to prevent drafts and minimize heat loss through the infiltration of outside cold air.
2. At least on entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.
3. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in safe and good condition.

4. Rotted or damaged doors, door frames, window frames, sashes, castings, weather stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

### **3.5 STAIRS, PORCHES AND BALCONIES**

1. Inside or outside stairs, porches and balconies shall be maintained so as to be free of holes, cracks or other defects that may constitute a possible hazard.
2. All treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorating shall be repaired or replaced.

### **3.6 GUARDS, BALUSTRADES AND HANDRAILS**

1. All guards and handrails shall be installed and maintained in good repair on:
  - (a) Every open side of a balcony, porch, landing and stairwell, with a rise of over 0.6 meters (2"); and
  - (b) A stairway with a rise of over 0.6 meters (2"), or containing 3 or more rises including a landing.
2. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
3. All handrails, balustrades and handrails, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair and properly anchored and shall be free of holes and other defects which constitute hazards.
4. All handrails, balustrades and handrails, stairways, fire escapes, balconies, landings and porches shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay.

### **3.7 CANOPIES AND AWNINGS**

1. All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust.

### **3.8 ROOFS**

1. Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
2. The roofs of dwellings and accessory buildings shall be kept clear of dangerous accumulations of ice or snow or both.
3. Where eavestroughing and roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secure to the building.

### **3.9 WALLS, CEILINGS AND FLOORS**

1. Every wall, ceiling and floor in a dwelling shall be maintained to provide a continuous surface free of holes, cracks, loose coverings or other defects.
2. Walls surrounding showers and bathtubs shall be impervious to water.
3. Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water.
4. Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents, vermin or other insect.

### **3.10 CHIMNEYS**

1. Any heating or cooling apparatus or equipment used in the process of burning fuel of combustible material shall be properly vented to the outside air by means of a smoke pipe, vent pipe, or similar adequate chimney.



2. Such heating or cooking apparatus or cooling equipment shall be properly connected to the chimney or flue by a permanently sealed connection.
3. All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.
4. Every chimney, smoke pipe, and flue, shall be maintained so as to prevent gases from leaking into the building and maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.

### **3.11 GARAGE AND CARPORTS**

1. Garages and carports, including floors, shall be maintained in good repair and free from hazards.

## **PART IV RESIDENTIAL STANDARDS**

### **4.1 GENERAL CONDITIONS**

1. Every interior surface and finishes of floors, walls and ceilings shall be maintained:
  - (a) In good repair;
  - (b) Be provide with a smooth surface so as to permit cleaning and where paint is used as such surface coating it shall be maintained and painted as necessary for the purpose of cleanliness; and/or
  - (c) Be free of holes, cracks loose plaster or other material.

### **4.2 PEST PREVENTION**

1. Dwellings shall be kept free of rodents, vermin and insects at all times. All necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the condition o as to prevent its recurrence. Methods used for exterminating such pests shall be in accordance with the appropriate act or regulation.
2. Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.
3. Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **4.3 KITCHENS**

1. Every dwelling unit shall contain a kitchen area equipped with:
  - (a) A sink, serviced with hot and cold water;
  - (b) A suitable storage area;
  - (c) A counter top and work area covered with a material that is impervious water and is easily cleanable; and/or
  - (d) Space provided for a stove and refrigerator including suitable electrical or gas connections.
2. There shall be at least 0.75 meters (30") clear space above any exposed cooking surface.

### **4.4 TOILET AND BATHROOM FACILITIES**

1. Every dwelling shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit and shall have an adequate supply of hot and cold running water.
2. All bathrooms shall be accessible from within the dwelling unit and be fully enclosed with a door capable of being closed so as to provide privacy for the occupant.

3. Where toilet or bathroom facilities are shared by occupants of residential accommodations, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms contained in said facilities.
4. No toilet or urinal shall be located within a room used for the preparation, storing or consumption of food or sleeping purposes.

#### **4.5 PLUMBING**

1. All plumbing, pipes, drains and plumbing fixtures shall be kept in good working condition and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
2. All plumbing systems shall be in good working order, in good repair and in safe condition.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

#### **4.6 ELECTRICAL SERVICE**

1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to the Ontario Hydro network.
2. Electrical fixtures, switches, receptacles and connections to them shall be maintained in a good safe condition and in good working order.
3. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and shall be maintained and installed in compliance with the *Ontario Electrical Safety Authority (ESA)*.

#### **4.7 HEATING, HEATING SYSTEMS AND VENTS**

1. Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21° Celsius (70° Fahrenheit).
2. It is the responsibility of the owner that all heating and mechanical systems, and their components, be installed, operational and maintained in good working order.
3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for sleeping purposes.
4. No room heater shall be placed so as to cause a fire hazard to walls, curtains, and furniture, nor impede the free movement of persons within the room where the heater is located.
5. No residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
6. Every habitable room shall have an opening or openings for natural ventilation.
7. Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation.
8. All mechanical ventilation systems shall be maintained in good operating condition.

#### **4.8 FIRE ESCAPES, ALARMS AND DETECTORS**

1. A listed fire alarm and fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings and residential occupancies, as required.
2. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.
3. Fire alarm, fire detection, fire protection and fire escape requirements fall under the authority of the *Fire Code* and the local Fire Department.

#### **4.9 EGRESS**

1. Every dwelling unit shall have immediate access to not fewer than two non-obstructed means of egress located as remotely as possible from one another and leading to safe and open space at or near ground level.
2. A single means of egress may be allowed for a dwelling unit in a building if:
  - (a) the building is not more than 2 storeys in building height; and
  - (b) the means of egress is an exterior door located at street or near ground level.
3. An access or egress from each dwelling unit shall be unobstructed and be provided without passing through any other dwelling unit, and attached or built-in garage, or a furnace room.
4. All means of egress within a non-residential property shall be provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

#### **4.10 LIGHTING**

1. Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
2. Lighting installed throughout the property is to provide adequate illumination for the use of each space and to provide safe passage.
3. Every habitable room, except for the kitchen, shall have a window or windows, skylights or translucent panels that face directly to the outside. The glass area of a sash door may be considered to comply.

#### **4.11 ELEVATING DEVICES**

1. Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, ventilation fans and emergency communication systems, shall be in good working order.

#### **4.12 OCCUPANCY STANDARDS**

1. No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
2. The maximum number of occupants in a dwelling unit shall not exceed one (1) person per 10 square meters (108 sq. ft.) of habitable floor area. Any child less than twelve (12) years shall be deemed one-half (1/2) person.
3. The minimum floor height shall not be less than 1.95 meters over the entire area or the minimum room height shall not be less than 2.03 meters over at least 50% of the floor area, provided that any part of the floor having a clear height of less than 1.4 meters shall not be considered in calculating the required floor area.
4. Every room used for sleeping purposes in a dwelling or dwelling unit shall provide a minimum width of 2 meters and a minimum floor area of 6.0 sq meters. The corresponding floor area shall not be less than 6.0 sq. meters for the first occupant and not less than 4.0 sq. meters for each additional occupant.

### **PART V**

#### **NON- RESIDENTIAL PROPERTY STANDARDS**

##### **5.1 SCOPE**

1. All repairs and maintenance of property shall be carried on with suitable and sufficient materials, and in a manner accepted as good workmanship within the trades concerned and shall conform to the *Ontario Building Code* where applicable.

## **5.2 SALVAGE YARD**

1. Salvage yards shall be effectively screened from public view.

## **PART VI FIRE DAMAGED, DEMOLITION, VACANT BUILDINGS**

### **6.1 FIRE DAMAGED BUILDINGS or MATERIALS**

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the property, except that such material may be stored within the barricaded fire damaged building until investigations are completed by authorities.
2. In the event, the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level and tidy condition.

### **6.2 DEMOLITION**

1. No person shall commence, conduct or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof unless a permit is obtained.
2. Upon the completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations and provided and maintained with a suitable ground cover.
3. Where a building, accessory building or structure is being demolished, every precaution shall be taken to protect the adjoining property and the public.

### **6.3 VACANT or UNOCCUPIED BUILDINGS**

1. Where any property is vacant, unoccupied, or has been damaged by accident, storm, neglect or other causes or intentional damage, the owner or agent shall protect such building against the risk of, accidental or intentional danger and shall effectively prevent the entrance thereto of all unauthorized persons.
2. All materials used for boarding up unoccupied, vacant or damaged buildings shall be:
  - (a) Covered with a suitable durable material which resists weathering,
  - (b) Installed on the exterior and properly fitted to the size of the opening, and
  - (c) Securely fastened.
3. Where a building remains vacant for a period of more than ninety (90) days, the owner or his agent shall insure that all utilities serving the building are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.
4. Subsection 6.3.3 does not apply where such utilities are necessary for the safety or security of the building.

## **PART VII ILLCIT MARIHUANA OPERATIONS**

### **7.1 PROHIBITION**

1. No person or Owner shall have, cause, permit or allow an illicit marihuana grow operation on or in a property.

### **7.2 INSPECTION**

1. Due to the inherent risk associated to illicit marihuana grow operations and in accordance to Section 15.8 of the *Building Code Act*. Every owner of a property that has been declared to be an illicit marihuana grow operation shall:

- (a) Provide a report on the condition of the property from experts in air quality, electrical systems and structural issues;
  - (b) Any conditions identified under 7.2.1(a) of this By-law shall be corrected under the direction of a professional in the field of their expertise.
2. The order referred to under subsection 7.2.1 of this By-law shall be registered on title in accordance to 15.2. of the *Building Code Act* and include a schedule along with the order that will state:

*"This property has been identified as having been used as an Illicit Marihuana Grow Operation. Operations of this nature are well known to have detrimental effects on the air quality, electrical system and structural elements within the structure. Orders have been issued requesting the owner provide reports on and correct and identified conditions affecting the above noted elements, however, as yet these orders have not been complied with. Therefore it is the opinion of the Town that this property should not be occupied until these reports have been received and any identified conditions corrected".*

## **PART VIII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **8.1 SCOPE**

- 1. This By-law shall apply to all properties within the limits of the municipality.
- 2. The imperial measurements contained in this By-law are for reference only.

#### **8.2 OFFICERS**

- 1. The Council of the Municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.
- 2. An Officer or any person acting under his/her instructions may, at reasonable times, and on producing proper identification, enter and inspect any property.
- 3. An Officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling, without the consent of the occupier, except under the authority of a Search Warrant issued under Section 21 of the *Building Code Act*.

#### **8.3 ORDER TO COMPLY**

- 1. Where an Officer finds that a property does not conform with any of the standards prescribed in this By-law, the Officer may make an Order:
  - (a) stating the municipal address or the legal description of such property;
  - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition;
  - (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense; and
  - (d) indicating the final date for giving notice of appeal from the Order.
- 2. An Order issued shall be served on the owner of the property and such other persons affected by it as the Officer determines. It shall be served personally or by registered mail sent to the last known address of the person to whom the Order is being given.

#### **8.4 REGISTRATION OF ORDER**

- 1. An Order made may be registered against title to the subject property by registration of an Electronic Document in accordance with the Electronic Registration procedures in the Province

of Ontario, and upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served, and when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office, a Certificate that such requirements have been satisfied which shall operate as a discharge of the Order.

## **8.5 PROPERTY STANDARDS COMMITTEE**

1. There shall be, and is hereby established, a Property Standards Committee consisting of no fewer than three members, appointed by By-law of the Council of the Corporation of the Town of Kirkland Lake, to hold office for a term established by Council.
2. When the owner or occupant, upon whom an Order has been served, is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen days after service of the Order. In the event that no appeal is taken, the Order shall be deemed to have been confirmed.
3. Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority and functions of the Officer, and may confirm, modify, or quash the Order, or may extend the time period for compliance, provided that in the opinion of the Committee, the general intent of the By-law and of the Official Plan are maintained.
4. The Council of the Municipality shall fill any vacancy that occurs in the membership of the Committee as soon as possible.
5. The members shall elect a Chair from among themselves, and when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
6. A majority of the members constitutes a quorum for transacting the Committee's business.
7. The members shall provide for a Secretary for the Committee.
8. The Secretary shall keep on file, records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and Section 74 of the *Municipal Act* applies with necessary modifications to the minutes and records.
9. The Committee may, subject to subsection (9) of the *Building Code Act* S.O. 1992, adopt its own rules of procedure, and any member may administer oaths.
10. The Committee shall give notice or direct that notice be given of the Hearing of an Appeal to such person as the Committee considers advisable.

## **8.6 PENALTY**

1. No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order, as confirmed or modified, the municipality in addition to other remedies:
  - (a) shall have the right to demolish or repair the property accordingly and for this purpose, with its servants and agents, from time to time, to enter in and upon the property;
  - (b) shall not be liable to compensate such owner, occupant or another person having interest in the property, by reason of anything done by or on behalf of the Municipality under the provisions of this Article;
  - (c) if an Order of an Officer under subsection 15.2(2) is not complied with in accordance with the Order, as deemed confirmed or as confirmed or modified, by the Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly; and
  - (d) may cause a prosecution to be brought against any person who is in breach of such an Order, and upon conviction, such person shall forfeit and pay, at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the *Building Code Act*, S.O. 1992, c23.

**8.7 VALIDITY**

1. If an Article of this By-law is, for any reason, held by a Court of law or other Administrative Tribunal to be invalid, the remaining Articles shall remain in effect until repealed.
2. Where a provision of this By-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

**8.8 TITLE**

1. This By-law may be referred to as “The Property Standards By-law”.

**8.9 REPEALS**

1. By-law No. 14-019 of the Town of Kirkland Lake shall hereby be repealed.

**8.10 GENERAL**

1. If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.
2. This By-law shall come into full force and effect immediately upon the passing thereof.

**READ** a first, second and third time and passed this 4<sup>th</sup> day of June, 2019.

  
Pat Kiely, MAYOR

  
Jo Ann Ducharme, CLERK