

Standards of Maintenance Bylaw: Sample Bylaw

2014 PDF Version of Original 1996 Sample Bylaw

Note to Reader: This is a PDF version of the Sample Bylaw was originally prepared in 1996 by the Ministry of Municipal Affairs and Housing and formerly available online as web pages. Apart from minor changes in format, the text remains the same as the online version. It is accompanied by a Standards of Maintenance Guide, also available in PDF.

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A MODEL STANDARDS OF MAINTENANCE BYLAW

Municipality of _____ Standards of Maintenance Bylaw

A bylaw to prescribe standards for the maintenance of rental residential premises.

Therefore, the Council of the Municipality of X pursuant to Section 734 (1) (n) of the Municipal Act in open meeting assembled, enacts as follows:

PART 1 - TITLE AND INTERPRETATION

1 - Title

This bylaw may be cited as the *Rental Premises Standards of Maintenance Bylaw No. xxx, 19xx*.

2 - Definitions

In this bylaw, unless the context otherwise requires, the definitions in the Municipal Act and Interpretation Act govern, and the following definitions apply:

bathroom means a room containing at least one toilet and toilet tank and one hand basin, one bathing fixture, and constructed so that complete privacy is available to the user;

bedding means sheets, blankets, pillows and pillow cases;

building means any structure used or intended for supporting or sheltering any use or occupancy;

Building Inspector means a person who has been assigned the responsibility for administering bylaws enacted to regulate the construction, alteration, repair or demolition of buildings and structures;

community kitchen means a room not part of a dwelling unit or housekeeping unit and designed or intended for the use of the preparation of food;

cooking facility means an approved appliance in or upon which food may be heated;

dwelling unit means one or more self-contained rooms provided with sleeping, cooking and sanitary facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence;

hand basin means a plumbing fixture primarily intended for the washing of hands, with hot and cold water connected thereto;

hotel means a hotel, motel, inn, rooming house and apartment hotel and any prescribed class of premises, but does not include a facility

(a) owned or operated by a non-profit society incorporated under the Society Act, a municipality, a regional district, a college designated under the College and Institute Act or a university named in the University Act, or

(b) in which the landlord resides and which contains fewer than a total of 5 bedrooms or rooms used as bedrooms;

housekeeping unit means a sleeping unit containing a sink and cooking facility;

landlord includes lessor, sublessor, owner or other person permitting the occupation of residential premises, and his/her heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the premises, entitled to possession of the residential premises;

municipality means the Municipality of _____;

owner in respect of real property means the registered owner as defined in the Municipal Act;

person includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

rental accommodation means a residential premises subject to a tenancy agreement;

residential premises means a dwelling unit used for residential purposes, and includes, without limiting the above,

- a manufactured home
- a manufactured home pad
- a room or premises in a hotel occupied by a hotel tenant,
- caretaker's premises, and
- employment premises,

but does not include premises, under a single lease, occupied for business purposes with a dwelling unit attached;

repair includes replacing, making additions or alterations or taking action required for the premises to conform to the standards prescribed by this bylaw;

sanitary facilities means any toilet and toilet tank, urinal, bathtub, shower or hand basin;

sink means a plumbing fixture, primarily intended for the washing of dishes and utensils, with hot and cold water connected thereto;

sleeping unit means one or more rooms equipped to be used for sleeping and sitting purposes only, with no cooking or sanitary facilities;

tenancy agreement means an agreement, whether written or oral, express or implied, having a predetermined expiry date or not, between a landlord and tenant respecting possession of residential premises and occupation of a room or premises in a hotel;

tenant means a person or persons who have the right of exclusive possession of residential premises under a tenancy agreement.

PART 2 - ADMINISTRATION AND ENFORCEMENT

3 - Application

This bylaw applies to rental accommodation in the Municipality of X.

4 - Responsibility for Administration

The Building Inspector is authorized to administer this bylaw.

5 - Building Inspector's Right of Entry

The Building Inspector is authorized to enter, at all reasonable times on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are met. The Building Inspector shall, on request, show proper identification.

6 - Notice to Comply to Bylaw Standards

The Building Inspector may direct an owner whose rental accommodation fails to meet the requirements of this bylaw to remedy the non-compliance within the time stated by the Building Inspector in a written notice to comply delivered to the owner.

7 - Penalties

A person who contravenes this bylaw commits an offence and upon summary conviction, is punishable in accordance with the Offence Act.

8 - Owner's Duties and Obligations

An owner of rental accommodation shall maintain it in accordance with the standards prescribed in this bylaw.

9 - Severability

In the event that any portion of this bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to that extent and the remainder of the bylaw shall continue in force and effect.

10 - Compliance With Other Bylaws

Compliance with this bylaw does not excuse an owner or any person from the requirement to comply with all other municipal bylaws and regulations.

PART 3 - MAINTENANCE STANDARDS

11 - Structural Integrity

Buildings and their structural members shall be maintained in good repair and in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences to which it may be subjected through normal use.

12 - Foundations

Foundation walls and other supporting members shall be maintained in good repair and so as to control the entrance of moisture.

13 - Exterior Walls

(1) Exterior walls and their components shall be maintained;

(a) in good repair,

(b) weather tight,

(c) free from loose or unsecured objects and materials, and

(d) in a manner so as to prevent or retard deterioration due to weather or infestations.

(2) Canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained in good repair, properly and safely anchored and protected against deterioration and decay.

(3) Exterior wall facings, projections, cornices and decorative features shall be maintained in good repair, safely and properly anchored.

(4) Mechanical ventilating systems and their supporting members shall be maintained in good repair and in a safe mechanical condition.

14 - Exterior Doors and Windows

(1) Exterior doors, and windows, skylights, and hatchways shall be maintained in good repair and weather tight.

(2) Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin.

(3) Latching and locking devices on separate entrances to the rental accommodation, shall be maintained in good working order. Latching and locking devices on windows shall be maintained in good working order.

15 - Roofing

(1) The roof, including the flashing, fascia, soffit, and cornice shall be maintained in a weather-tight condition so as to prevent leakage of water into the residential premises.

16 - Stairs, Balconies and Porches

(1) Stairways, balconies or porches and landings shall be maintained;

- (a) in a safe and clean condition,
- (b) in good repair, and
- (c) free from holes, cracks, excessive wear and warping, and hazardous obstructions.

17 - Basements

(1) Basement floor drains shall be maintained in good condition.

(2) Floors in a basement shall be kept dry and free from major cracks, breaks or similar conditions which would create an accident hazard or allow the entrance of water into the basement.

18 - Floors

(1) Floors shall be maintained in a clean condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which may create health, fire or accident hazards.

(2) Where floors are covered, the covering shall be maintained in a safe condition.

(3) Shower room floors, toilet room and bathroom floors shall be covered with moisture resistant floor finishes, and in such condition as to permit easy cleaning.

19 - Walls and Ceilings

(1) Interior walls and ceilings shall be maintained in good repair and free from holes, or loose or broken plaster that may create health, fire or accident hazards.

20 - Plumbing and Plumbing Fixtures

(1) All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks and connecting lines to the water and sewer system, shall be maintained in good working order and repair, free from leaks or other defects and protected from freezing.

(2) Every hand basin and bathtub, shower and sink shall have an adequate supply of hot and cold running water and every toilet and toilet tank shall have an adequate supply of running water. Hot water shall be supplied at minimum temperature of 45 C (113 F) and a maximum of 60 C (140 F).

21 - Gas Appliances and Systems

(1) All gas systems and appliances shall be maintained in safe working order and repair.

(2) All systems of appliance venting shall be maintained in safe working order so as to prevent the creation of a health, fire or accident hazard.

22 - Heating Systems

(1) Heating equipment shall be maintained in a safe and good working condition so as to be capable of safely attaining and maintaining an adequate temperature standard, free from fire and accident hazards and in all rental accommodation capable of maintaining every room at a temperature of 22 C (72 F) measured at a point 1.5 meters (5 feet) from the floor, and in the centre of the room.

(2) Where heating equipment or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of such fuel shall be provided and safely maintained in a convenient location and so constructed as to be free from fire or accident hazards.

23 - Electrical System and Lighting

(1) Electrical wiring and lighting equipment, including circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order.

(2) Adequate levels of artificial lighting shall be maintained in good working order in all rental accommodation.

24 - Ventilation

(1) All systems of ventilation, mechanical or natural shall meet the manufacturers installation requirements, and be maintained in good working order.

25 - Interior Fire and Health Safety Hazards

(1) Walls, floors and roof constructions, including fire protective closures, sprinkler systems, including fire alarm, and detection systems and other means of fire protection, shall be maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

26 - Maintenance Standards for Hotels

(1) In hotel rental accommodation;

- (a) surfaces of interior walls and ceilings shall be maintained in a clean and sanitary condition, and
- (b) sanitary facilities shall be maintained in a clean and sanitary condition and their walls and ceilings with a smooth surface reasonably impervious to water or chipping or cracking.

(2) Every hotel operator shall ensure that;

- (a) in every room in a hotel containing any sanitary facilities serving more than one sleeping unit, housekeeping unit or housekeeping room, accessibility from a public hallway shall be maintained and locking mechanisms on the inside are maintained, and
- (b) where provided in a community kitchen, the sink, cooking facility and food storage shall be maintained in safe and healthy working order.

(5) Except where it is specifically agreed to be provided by the tenant, every hotel operator who provides bedding, mattresses, mattress covers and towels shall maintain them in a clean and sanitary condition.

(6) Except where it is specifically agreed to be provided by the tenant, every hotel operator who provides furnished accommodations shall maintain such furnishings in a clean and reasonable condition of repair and maintenance.

PART 4 - EFFECTIVE DATE

27 - Effective Date

This bylaw shall come into effect upon its adoption.

Read a first time this _____ day of _____ (month), 19__.

Read a third time this _____ day of _____ (month), 19__.

Reconsidered, finally passed and adopted this _____ day of _____ (month), 19__.

Mayor

Clerk