

THE CORPORATION OF THE TOWN OF BLIND RIVER

BY-LAW NO. 25-09

Being a By-law to establish standards for the maintenance and occupancy of property in the Corporation of the Town of Blind River and to repeal 18-34

WHEREAS pursuant to section 15.1 (3) of the Building Code Act (S.O. 1992, c. 23 as amended), a by-law may be passed by the council of a municipality relating to property standards provided that an official plan that includes provisions relating to property conditions is in effect in the municipality;

AND WHEREAS pursuant to section 15.2(1) of the Building Code Act S.O. 1992, c 23 as amended, with proper identification, an officer may enter upon property without warrant for the purpose of inspection;

AND WHEREAS pursuant to the Environmental Protection Act RSO 1990, c. E.19, and Pesticides Act, RSO 1990, c P.11 users of pesticides must take the integrity and safety of humans, animals, and the environment into consideration when making use of pesticide products.

AND WHEREAS any electrically involved construction should be performed in accordance with the regulations set forth in the Building Code O. Reg. 332/12 and the Ontario Electrical Safety Code;

AND WHEREAS pursuant to the Fire Protection and Prevention Act 1997, c4, the members of a fire service may enter onto land within their jurisdiction and inspect structures, materials, areas, equipment and other things for the assurance of fire protection and safety;

AND WHEREAS the Highway Traffic Act, RSO 1990, c H.8 regulates the prescribed manner by which a vehicle is to be registered, duly plated and validated;

AND WHEREAS pursuant to Part XIV section 224(1) of the Residential Tenancies Act 2006, S.O. 2006, c.17a municipality is responsible for receiving, investigating, and bringing to resolution matters in relation to residency maintenance standards;

AND WHEREAS pursuant to section 446 of the Municipal Act SO 2001, c.25, the municipality is afforded the right to perform and complete any work ordered of the property owner, should they default on compliance with the order. And the costs of the Town's work may be added to the property's tax roll.

AND WHEREAS the Official Plan for the Corporation of the Town of Blind River includes provisions relating to property conditions, as such the Council of the Corporation of the Town of Blind River is desirous of passing a By-Law under section 15.1(3) of the Building Code Act S.O. 1992, c.23.

THEREFORE, The Council of the Corporation of the Town of Blind River ENACTS AS FOLLOWS:

1.1 DEFINITIONS

In this By-Law,

“building” includes a structure used for or intended for supporting or sheltering any use of occupancy;

“town” means the Corporation of the Town of Blind River

“clerk” means the Town Clerk for the Corporation of the Town of Blind River;

“committee” means the Property Standards Committee established under this by-law;

“corporation” means the Corporation of the Town of Blind River;

“Council” means the council of The Corporation of the Town of Blind River;

“demolish” includes the doing of anything in the removal of a building or structure or part thereof;

“occupant” includes any person or persons over the age of eighteen years in possession of the property;

“officer” means a Municipal Enforcement Officer or other person who has been assigned the responsibility of administering and enforcing this By-Law;

“owner” includes the person for the time begin managing or receiving the rent of the land or premises in connection with which the word is used, whether on their own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property;

“person” any human being, association, firm, partnership, incorporated company, corporation, agent, trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

“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;

“repair” includes the provision of such facilities, and making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established under this By-Law;

“standards” means the standards of physical condition and occupancy of the property set out in this By-Law;

2.1 STANDARDS

- i. The standards for maintenance and occupancy of property set out in the Schedule A to this By-Law are prescribed as the minimum standards and Schedule A shall form part of this By-Law.

3.1 PROHIBITION

- i. No person shall use or occupy, or permit the use or occupancy of any property except in accordance with the standards set out in Schedule A.
- ii. The owner of any property which does not conform to the standards in Schedule A shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and leave it in graded and level condition.

4.1 PROPERTY STANDARDS COMMITTEE

- i. There shall be appointed by Council a Property Standards Committee composed of not fewer than 3 members.
- ii. In the event of a vacancy in the membership of the Committee Council shall forthwith fill the vacancy.
- iii. The Committee shall appoint a Chair and any member of the Committee shall administer oaths.
- iv. A majority of the members constitutes a quorum for transacting the Committee's business.
- v. The members shall provide for a secretary for the Committee.
- vi. The secretary shall keep on file records of all official business of the Committee, including minutes and records of all appeals to the Committee and decisions thereon.
- vii. All hearings of the Committee shall be in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended

5.1 INTERPRETATION

- i. Whenever this By-Law refers to a person or thing with reference to gender of the gender neutral, the intention is to read the By-Law with the gender applicable to the circumstances.

6.1 ENFORCEMENT

- i. This By-Law may be enforced by a Chief Building Official, Director of Protective Services, Municipal Enforcement Officer, or their designate.

- ii. No person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power of performing a duty under this By-Law.

7.1 PENALTY

- i. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- ii. For the purposes of Subsection (i), each day on which a person contravenes any of the provisions of this by law shall be deemed to constitute a separate offence under this by-law.
- iii. The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-Law shall be deemed to be a violation of the provisions of this By-Law.

8.1 SEVERABILITY/CONFLICT

- i. If any section, subsection, part or parts of this By-Law is declared by any court of law to be illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such:
 - a. Nothing in this By-Law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-Law of the Town.
 - b. Where a provision of this By-Law conflicts with the provisions of another by-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of Persons or the environmental well-being of the municipality shall prevail.

9.1 TRANSITIONAL RULES

- i. By-Law 18-34 is hereby repealed. After the date of passing this By-Law, By-Law 18-34, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-Law, and then only to such properties until such time 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.
- ii. By-law 25-09 shall come into force and take effect immediately upon final passing thereof.

PASSED IN OPEN COUNCIL THIS 18 DAY OF FEBRUARY, 2025.

Mayor

CAO/Clerk

CERTIFICATION BY THE CLERK:

I, K. Scott, Clerk of the Corporation of the Town of Blind River, do hereby certify that the above is a true certified copy of By-Law No. 25-09 which was passed in Open Council on the 18 day of February, 2025.

K. Scott