



**Date:** September 23, 2024

**To:** Mayor and Council

**Author:** Daryl Flacks, Supervisor of By-Law Enforcement

**RE:** Property Standards By-law Update

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## **RECOMMENDED ACTION**

That the proposed amendments to the Property Standards By-law **BE APPROVED**;

And that By-law 72-2024, being a By-law to establish procedures governing the standards for the maintenance and occupancy of property within the municipality, **BE ADOPTED** during the By-law stage of the Council Agenda.

## **BACKGROUND**

Upon review of the Property Standards By-Law, it has been determined that the original passing of the by-law occurred April 1999 with only minor variations made throughout time. As a result, a need to update and align the by-law with current changes to the Ontario Building Code have become apparent. Definitions have been added that provide clarity. An in depth review has also discovered errors, the result of changes to the formatting of the by-laws over the years. The objective of this amendment is to update and strengthen the Property Standards By-Law while modifying the penalty provisions as prescribed in the Ontario Building Code.

## **DISCUSSION**

Below is a list of the proposed changes. For reference, please see Schedule "A" with the tracked changes version of the Property Standards By-law attached to this report

- Section 1.15 to 1.21 – added definitions for “Occupant”, “Owner”, “Property”, “Repair”, and “Sewage System”.
- Previously Section 1.25 – removed the definition of “Illuminated Commercial Sign”
- Section 2.10 – added language to clarify the reason why buildings are to be maintained.

- Section 2.14 – updated the allowable size of a compost pile to be no larger than 1.2 metres (previously 1.8 metres)
- Section 3.09 – added language to clarify that the provision is in compliance with the Ontario Building Code.
- Section 3.55 – added language to prohibit a building owner from disconnecting utilities to a building occupied by a tenant or lessee.
- Section 5.09 – added language to clarify that an Officer will determine what is deemed as inappropriate defacements of exterior walls of a building.
- Previously Sections 5.11 to 5.13 – section was removed as the Town is no longer regulating the illumination of commercial signs as directed by Council.
- Section 6.04 – updated language to clarify that Council shall appoint persons to a Property Standards Committee.
- Section 6.05 – added language to clarify the time frame and process for initiating an appeal of an Order made under the Building Code Act.
- Section 6.06 – added section explaining how appeals will be heard at a committee meeting and what authority the committee has.
- Section 6.10 – updated language to clarify that Orders to Comply issued under previous versions of the property standard by-law shall remain in effect until cleared by the Town.
- Section 6.12 – added provision that administrative fees will apply for the enforcement of a notice in accordance with the Town of Kingsville Fees By-law.

If an individual does not comply with an order, all fees and/or expenses for clean-up and bringing the property into compliance may be assessed and added to the property taxes. Additionally, in accordance with the Town's current 2024 Fees and Charges By-law, a minimum \$250.00 Administrative Fee will apply for the enforcement of a notice and \$100 per hour thereafter.

- Section 6.13 - updated language to align the maximum fine for an offence with the maximum fine prescribed in Section 36 of the Ontario Building Code Act.

A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.

A corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.

## **FINANCIAL CONSIDERATIONS**

No financial considerations at this time. The updated fines in the by-law reflect Provincial Act(s).

## **ENVIRONMENTAL CONSIDERATIONS**

No environmental considerations at this time.

## **CONSULTATIONS**

Robert Frias, Chief Building Official  
John Norton, Chief Administrative Officer  
Kyla Ferguson, By-Law Enforcement Officer

## **PREPARED BY:**



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## **REVIEWED BY:**



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