

The Corporation of the Township of South Frontenac

A By-law for Prescribing Standards for the Maintenance of Property
Within The Township of South Frontenac

By-law Number 2025-37



**SOUTH
FRONTENAC**

Short Title: "The Property Standards By-law"

Consolidation Of Amendments

Subject	Amending By-law	Effective Date

The By-law numbers highlighted in this consolidation refer to the By-laws that amended the principal By-law (By-law 2025-37).

Original copies are obtainable upon request from the Clerk's Department.

The Corporation of The Township of South Frontenac

By-law Number 2025-37

A By-law for Prescribing Standards for the Maintenance of Property Within The Township of South Frontenac

Whereas there is in effect in the Township of South Frontenac an Official Plan that includes provisions relating to Property Conditions;

Whereas Section 15.1 (3) of the Building Code Act, 1992, S.O. 1992, c.23, as amended provides that 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;

Whereas the Council of The Township of South Frontenac desires that a By-law be enacted pursuant to Section 15.1 (3) of the Building Code Act, 1992, S.O. 1992, c. 23 as amended within the limits of the Township of South Frontenac;

Whereas Section 15.6 (1) of the Building Code Act, 1992, S.O. 1992, c. 23 as amended requires that a By-law passed under Section 15.1 (3) of the Act shall provide for the establishment of a Property Standards Committee; and

Whereas Subsection 15.4.1 (1) of the Building Code Act, 1992 provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with,

- (a) a By-law of the municipality passed under section 15.1; or
- (b) an order of an officer under subsection 15.2 (2) as deemed confirmed or modified by the committee or a judge under section 15.3.; and

Whereas Section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it; and
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

Therefore Be It Resolved That the Council of the Corporation of the Township of South Frontenac hereby enacts as follows:

1. Definitions

“**Clerk**” means the person appointed by the Township as Clerk or their designate.

“**Committee**” means a Property Standards Committee established under this By-law referred to in Section 15.6 of the *Building Code Act, 1992, S.O. 1992, c.23, as amended*, to hear appeals of Property Standards orders;

Administrative Penalty” means an administrative penalty imposed pursuant to Township of South Frontenac By-law 2022-70, As Amended, being “A By-law to Impose Administrative Monetary Penalties on Violations of Municipal By-laws”;

“**Deputy Clerk**” means the person appointed by the Township as Clerk or their designate.

“Farm Buildings” means any buildings or structures used in association with a farm use including any of the structures used in farming operations, which may include buildings to house livestock, machinery and crops, but does not include any residential building;

“Inoperative Motor Vehicle” means a vehicle that has not been moved from the lot on which it is stored for a period of time in excess of thirty (30) days, unless the vehicle is stored in a building and has one or more of the following characteristics: a. is missing parts, including tires; b. is damaged; c. has a missing windshield or other windows; d. is otherwise deteriorated or in a condition that is likely to affect its operation for its intended purpose; and without limiting the generality of the foregoing, an inoperative motor vehicle shall include unlicensed vehicles or vehicles without currently validated license plates issued for the vehicle by the Province of Ontario.

“Property Standards Officer” means a Property Standards as appointed via By-law Number 2025-039;

“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, out-buildings, fences and erections thereon.

“Township” means The Corporation of the Township of South Frontenac.

2. Applicability

- 2.1 This By-law shall apply to all Property within the limits of the Township of South Frontenac.
- 2.2. Notwithstanding Section 2.1, the following Properties are exempt from the requirements of this By-law:
 - 2.2.1. Property owned by the Township of South Frontenac; and
 - 2.2.2. Farm Buildings and lands which are being used for agricultural and farm purposes and are located within a Rural zone, Agricultural zone, and UR1 zone when deemed applicable by the Manager of Planning.
- 2.3. Every owner of property and every officer or director of a corporation that owns property within the Township of South Frontenac has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law;
 - a. Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence.
 - b. A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.
- 2.4. The prescribed maintenance standards and processes as outlined in the *Residential Tenancies Act* remain in effect as the municipal property standards By-law does not apply to the maintenance standards defined in O. Reg 517/06.

3. Administration

- 3.1 The Clerk is responsible for the administration and enforcement of this By-law.

4. General Standards for all Properties

- 4.1 All repairs to comply with this By-law shall be carried out in a good and professional manner for the trades concerned; and

- 4.2. For the purposes of this section, and without limiting section 4.1, “good and professional manner” includes: carried out with materials suitable and sufficient for that purpose and free from defects; carried out with a degree of efficiency and knowledge possessed by those with a skill set, competency, and standing in a particular trade and in accordance with recognized industry best practices; and where required by law, carried out by a duly qualified and/or licensed person.

Lighting

- 4.3. Exterior lighting shall be directed away from adjacent properties and shall be positioned and operated in a manner so that it is not likely to cause unreasonable impacts on adjacent properties.

Maintenance of Property

- 4.4. All property shall be kept clean and free of litter, rubbish, waste and other debris.
- 4.5. All property shall be kept clean and free of timber, lumber, building materials, granular or soil materials or any other type of product or material stored in a location visible to the public for a period of more than thirty days.
- 4.6. All property shall be kept clean and free of any vehicle, including a trailer, boat, machinery or parts thereof, which is in a wrecked, discarded, dismantled, unlicensed, inoperative or abandoned condition, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with all relevant By-laws of the municipality or other Acts.
- 4.7. No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.
- 4.8. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard and shall provide unobstructed access for emergency vehicles.

Damaged Material

- 4.9. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days; it being understood that damaged or partially burnt material shall only be removed from the property once investigations are completed by fire authorities and insurance related matters have been resolved.
- 4.8.1 Fire damaged buildings, or portions thereof, shall be repaired to comply with the *Ontario Building Code Act* or shall be demolished accordingly.
- 4.10. A property shall be kept clean and free of dilapidated or collapsed structures or erections, and any uncovered cavities such as wells, cisterns, septic tanks, sink holes, or impressions be filled or protected.

5. Power of Municipality

5.1 The remedial work necessary to meet the requirements of this By-law may be undertaken by the Township of South Frontenac or by contractors or agents retained by the Township of South Frontenac and the property owner will be responsible for the payment of the cost of such work, including administrative fees, with the cost added to their municipal tax roll.

5.1.1 The municipality shall have a priority lien on the land for the amount spent on the repair or demolition under Section 5.1. and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the municipal tax roll and collected in the same manner and shall have priority lien status as described in Section 1 of the *Municipal Act, 2001*.

5.2 For the purposes of Section 5.1., employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

5.3 The municipality or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its power under Section 5.1.

6. Enforcement

6.1. Property Standards Officers

6.1.1. The person or persons appointed as property standards officers for the Corporation of the Township of South Frontenac shall be responsible for the administration and enforcement of this By-law.

6.1.2. The Property Standards Officer and any person acting under his or her instruction may at all reasonable times and upon producing proper identification enter and inspect any property.

6.2 Notice Prohibiting Use of Property

6.2.1 The Property Standards Officer may issue a notice prohibiting the use of property that does not conform to the standards of this By-law.

6.2.2. The Property Standards Officer may cause a placard to be placed on the exterior of any building which does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the property is prohibited until it conforms to the standards set by this By-law. No person shall remove, deface or cover up any such placard.

7. Property Standards Order

7.0. A Property Standards Officer who determines that a Property does not confirm with any of the Standards prescribed in this By-law may issue an order pursuant to Section 15.2 of the Building Code Act, 1992, S.O. 1992, c. 23 as amended.

7.1. In accordance with Section 15.4 of the Building Code Act, 1992, S.O. 1992, c. 23 as amended, if an order made pursuant to Section 8.0 of this By-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the Township of South Frontenac may cause the Property to be repaired or demolished accordingly.

8. Obstruction

8.1. No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law. Without limiting the generality of the foregoing, the following are deemed to constitute obstruction pursuant to this By-law: (a) any person who fails to provide proof of identification satisfactory to the Property Standards Officer when requested to do so; (b) any person who fails to provide information to the Property Standards Officer from the Ministry of Transportation regarding the licensing status of any vehicle when requested to do so, regardless of the ownership of the vehicle, and (c) any person who fails to allow a Property Standards Officer to enter and inspect any property.

9. Offence and Penalty Provisions

9.1. Any Property that does not meet the Standards set out in this By- Law shall be Repaired and Maintained to comply with the Standards of this By-law.

9.2. Any Person who fails to comply with an order issued under this By-law is guilty of an offence and upon conviction is subject to a penalty as provided by the *Building Code Act*, 1992, S.O. 1992, c. 23 as amended.

9.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with the By-law to Impose Administrative Monetary Penalties on Violations of Municipal By-law 2022-70, As Amended be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-law 2022-70, As Amended.

9.4. If this By-law is contravened and a conviction entered, the Court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy, and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

10. Appeal To Committee

10.1 In accordance with the provisions of Section 15.3 of the *Building Code Act*, 1992, S.O. 1992, c. 23 as amended, an Owner or Occupant who has been served with an order made pursuant to Section 7. of this By-law and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail together with the required hearing fee within 14 days after being served with the order to:

Property Standards Committee c/o Deputy Clerk
4432 George St., Box 100
Sydenham, ON, K0H 2T0

10.2 An owner or agent who appeals an Order shall pay a non-refundable hearing fee of \$200.00.

11. Establishment of a Committee

11.1 A committee to be known as the Property Standards Committee is established. The purpose of the Committee is to hear appeals of Property Standards Orders.

11.2 The Committee shall be comprised of three members of Council.

11.3 Council shall appoint the members of the Committee and designate the term

of their appointment.

11.4 Council shall forthwith fill any vacancy that occurs in the membership of the Committee.

11.5 The Committee shall hold meetings on the third Tuesday of every month at 5:00 p.m. or otherwise as the Chair or the Deputy Clerk considers appropriate.

11.6 Council shall remunerate Committee members in accordance with the remuneration afforded to advisory committee members as outlined in By-law 2024-04, As Amended - Schedule F.

11.7 A majority of members constitutes a quorum for transacting the business of the Committee.

11.8 The Committee shall elect a chair from among themselves and when the chair is absent through illness or otherwise, may appoint another member as acting chair.

11.9 The Deputy Clerk or a designate shall be the secretary of the Committee.

11.10 The secretary shall keep on file the records of all official business of all appeals and minutes of all decisions respecting those appeals, and section 253 of the *Municipal Act, 2001* applies with necessary modifications to the minutes and records.

11.11 The Committee may adopt its own rules and procedures, it being understood that with the exception of the following process regarding "hearings", the Committee shall operate in general accordance with the Procedure By-law at the discretion of the Deputy Clerk:

Hearing Process:

- a) Introduction of Business Item (By Secretary)
- b) Summary of file by property standards officer
- c) Statement from property owner or agent
- d) Deliberations
- e) Decision

11.12 The Deputy Clerk must give a minimum of ten days' notice of the hearing to the parties by email or registered mail to the last known address on file with the Municipality. Service by email shall be deemed to have been received on the day it is sent. Registered mail shall be deemed to have been received 3 days after it is sent by the Municipality.

11.13 On an appeal, the Committee has all the powers and functions of the officer who made the order, and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law:

- a) Confirm, modify, or rescind the order to demolish or repair;

b) Extend the time for complying with the order.

11.14 Except as provided for in any other Act or by-law, orders and decisions of the Committee are final.

12. Validity

12.1. If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

12.2. Where a provision of this By-law conflicts with the provision of another By-law in force in the Township, the provisions that establish the higher Standards to protect the health, safety and welfare of the general public prevails.

13. Effective date

This By-law shall come into effect on May 20, 2025

Read and Adopted in Council this May 20, 2025

James Thompson
Clerk



Ron Vandewal
Mayor