



## **STAFF REPORT**

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**Meeting Date: November 25, 2024**

**Title: Property Standards Bylaw**

**Prepared By: Tanner Pecarski**

**Department:** Building and Planning

**Report Number: Building & Planning-2024-026**

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### **Recommendation:**

THAT Council accept the attached by-law to amend the current Property Standards By-law, aligning the by-law with the current Official Plan provisions regarding property conditions within the City and current legislation.

AND THAT Council gives First, Second and Third reading to the attached by-law, and upon the third and final reading thereof, rescinds and replaces By-law # 2811-2001 (City of Dryden Municipal Code Chapter 170 – Property Standards).

### **Background:**

Where an Official Plan is in effect that contains provisions relating to property conditions, Section 15.1 of the Building Code Act grants municipalities the power to create and enforce by-laws:

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

The City of Dryden Property Standards By-law was last brought before Council in 2001. In that time, Property Standards authorities have been removed from its former parent legislation, the Planning Act, and placed under the Building Code Act.

The general purpose of a Property Standards by-law is to require minimum maintenance standards of properties within a municipality, promoting healthy and safe living conditions for residents, as well as providing a manner to which a municipality can ensure a higher quality of life, community pride, and beautification by limiting, preventing, or remediating violations as they arise.

### **Discussion:**

The attached by-law to amend and replace Chapter 170 of the Municipal Code contains numerous changes, which has undergone a review by legal experts and recommended changes made accordingly. Newly introduced within this by-law are Sections 1, 2, 3, 4.25 c. through e., 4.32, 5.8, 5.14, and 6.6c.

Section 5.5 has been altered to change the way that municipal by-law enforcement staff handle inoperative motor vehicles stored on properties for lengthy periods of time.

Each proposed change is indicated and further explained below. Where a similar section exists within the current Chapter 170, the appropriate section number is quoted in parentheses.

### **Section 1 – Obligations of Owners and Occupants**

Our current by-law doesn't clearly define what is required of a property owner versus an occupant, any onus put on either party has historically been discretionary based on the inspection findings and nature of any non-conformity observed.

Section 1.1 clearly outlines the responsibilities of a property owner for maintenance and general upkeep of the property.

Section 1.2 provides responsibilities of occupants (tenants), which include maintaining their occupied unit(s) and appliances therein in a clean and sanitary condition and ensuring means of egress are clean and unobstructed.

### **Section 2 – Conflicts**

Newly introduced – addresses any potential conflict with other by-laws or provincial legislation.

### **Section 3 - Administration and Enforcement**

Section 3 includes the specific authorities and processes that are provided within the Building Code Act, which are the current practices that are being implemented by staff. Including this within the by-law promotes conciseness and transparency by outlining the procedural requirements and authorities directly rather than referring to the Building Code Act.

## **Section 4.25 (Municipal Code Chapter 171: Section 39) – Sewage and Drainage**

Proposed changes introduce new requirements for all waters discharged that are not sewage-related. These changes would require water discharge originating from a building, such as eavestroughs and sump pumps, to be directed to drain above-grade in a manner that encourages absorption into the soil while not damaging buildings or structures, passageways, sidewalks, roads, or adjacent property.

## **Section 4.32 - Mould (New)**

The current by-law affords staff minimal ability to address mould issues within a building. The addition of this section would give staff the ability to address mould issues before they become a significant health hazard.

- a. Any accumulation of mould shall be immediately cleaned and removed by the owner of a building.*
- b. No person shall occupy, or permit the occupancy of a building, or portion thereof, where an extensive accumulation of mould exists which could pose a health concern to any person who occupies the building, or portion thereof.*
- c. Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mould, shall be repaired, replaced or removed by the owner of the building. The owner shall take all reasonable steps necessary to prevent reoccurrence of mould growth.*
- d. If the mould accumulation is moderate or extensive, the Property Standards Officer may order the owner to provide, at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in the field, detailing mould spore samples and related air quality.
  - i. The report in Subsection 4.32d will detail the extent of the mould contamination, and remediation of mould removal, and any other items as the Officer may deem necessary;*
  - ii. The owner shall provide a copy of the report to the Property Standards Officer;*
  - iii. The owner shall undertake the appropriate remediation outlined in the report; and,*
  - iv. The owner shall provide a follow-up report which confirms that air quality levels are consistent with a healthy environment, to the satisfaction of the Property Standards Officer.**
- e. Notwithstanding any other provision of this by-law, Subsections 4.32b and 4.32c shall not apply if the presence of mould is minor in nature and relates to general maintenance and/or lifestyle.*

## **Section 5.2 – Grass, Weeds and Undergrowth (Municipal Code Chapter 171: Section 48)**

The purpose of the proposed changes to this section introduce new, less restrictive requirements for properties that are zoned as Rural, as many rural properties are agricultural in nature, are vacant forested properties, or otherwise do not fit within the category of an urban residential property. Currently, our by-law does not distinguish between urban and rural properties, although they cannot be reasonably treated in the same manner when it comes to yard maintenance.

Additionally, in order to be in alignment with the Official Plan - Section 3.18, Shoreline Residential properties would be exempt from mowing or removing undergrowth specifically along the shoreline vegetative buffer zone, preserving shoreline health.

## **Section 5.5 – Inoperative Motor Vehicles (Municipal Code Chapter 171: Section 51)**

The proposed changes to this section would allow any inoperative vehicles on any property not zoned as Rural or Rural Residential to be:

- a) stored indoors; or,
- b) within a driveway if the vehicle is actively being repaired.

A time limit has been included, affording property owners a 6 month maximum time limitation on outdoor storage of an inoperative vehicle, with opportunity to appeal an order should they wish to request additional time. Additionally, the requirement for inoperative vehicles to be covered with a tarp while stored outdoors has been removed, as a tarp can be unsightly and exacerbate the issue.

In the case of properties that are Rural or Rural Residential, inoperative vehicles would be permitted based on meeting the requirements of Subsection 5.5d, which aligns with a rural-nature while still ensuring the storage of vehicles does not get out of hand.

- d. In the case of any property within the Rural or Rural Residential zones, no owner shall cause or permit land to be used for the storage of inoperative vehicle(s), mechanical equipment, or parts thereof, except in accordance with the following:*
  - i. The inoperative vehicle(s), mechanical equipment, or parts are stored completely within a fully enclosed building; or,*
  - ii. The inoperative vehicle(s), mechanical equipment, or parts:*
    - 1. are stored outdoors within the rear or interior side yard;*
    - 2. meet setbacks required for an accessory building; and,*
    - 3. does not, in the sole opinion of the Officer, contribute to, cause, or create any:*
      - a. unsightly conditions or visual impact to any neighbouring property;*
      - b. environmental hazards; or,*
      - c. accident, health or safety hazard to any person;*

## **Section 5.8 – Accessory Buildings and Structures**

At the recommendation of the Chief Building Official, this section includes new requirements for any accessory buildings that would require a building permit to have a roof drainage system installed. The purpose of this requirement is to prevent soil erosion around buildings and to promote proper discharge of surface waters.

*c. An accessory building with a total floor area of 15 square metres or greater shall have eavestroughs and rain-water piping that effectively prevents soil erosion along the perimeter of the building.*

Also included are compliance requirements for solid-fuel burning appliances installed within accessory buildings and structures.

*e. Every solid fuel-burning appliance installed within an accessory building or structure shall be installed in accordance with the applicable Building Codes and CSA B365 and inspected by a WETT Certified Inspector.*

*i. For the purposes of Subsection 5.8e, an accessory building or structure includes campers, travel trailers, or other mobile accommodations designed for use on land.*

## **Section 5.14 – Lot Grading and Drainage**

Further to Section 4.25, this section addresses requirements for drainage that is not directly related to a building, as well as addressing unused fill that is stored on residential properties.

Staff have encountered situations where property owners build up their lands to help with flooding issues. At times this can have a significant impact on neighbouring properties. When the natural flow path of water is altered, there is a possibility that water will then be redirected to the lowest points along the path of least resistance. This can create flooding and ponding issues, as well as significantly increase the volume of water flowing into City storm sewer systems.

*a. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.*

*b. No roof, driveway or any other surface drainage, including the drainage of water from swimming pools, shall be discharged onto any entranceway, walkway, sidewalk, stair, steps, adjacent property, or onto any highway, or in such a manner that it will penetrate or damage a building, structure or property.*

*c. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.*

*d. No fill shall remain in an unleveled state on any property for longer than fourteen (14) days, except where the property is a construction site for which a building permit is in effect.*

*e. Any physical alterations or obstructions to any ditch, natural drainage, or change in lot grade on private property shall not:*

- i. impede or impair any existing positive flow of storm, rain, ground, surface or subsurface water;*
  - ii. deviate from the existing drainage pattern;*
  - iii. deviate from an approved grading and drainage alteration plan in the case of any new construction; or,*
  - iv. cause or create, or be likely to cause or create, any adverse conditions on any abutting property.*
- f. For the purposes of Subsection 5.14f.ii above, "deviate" does not include a corrective measure which, in the sole opinion of the Property Standards Officer, improves the property's drainage without impacting the existing drainage pattern, approved grading and drainage pattern, or causes an adverse condition on any abutting property.*

**Section 6.6 - Fire Damage (Municipal Code Chapter 171: Section 66)**

The purpose of adding Section 6.6 c. is to help address buildings damaged by fire within the City. Where a building is damaged by fire, the building often sits vacant for months or years after the site is secured and meets minimum requirements. Staff currently do not have any ability to ensure that the building is restored or demolished within a time period, resulting in empty homes/buildings prone to vagrancy and further risk of fire.

Requiring an 18 month turnaround on these buildings would help to ensure the property will not sit vacant for lengthy periods of time, with the hopes of eventually being suitable for much needed housing or commercial space, while still allowing enough time to deal with insurance companies, and securing contractors and materials to rebuild.

- c. Restoration or demolition shall be completed within 1 calendar year of the date of damage by fire.*

**Financial Implications: None**

**Current Budget Allocation: N/A**

**Account #: N/A**

**Attachments (Reference Material): Property Standards By-law Draft**