

CITY OF PRINCE ALBERT

BYLAW NO. 10 OF 2017



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OFFICE CONSOLIDATION

Property Maintenance Bylaw

BYLAW NO. 10 OF 2017

Including the Following Amendments:

AMENDMENTS

26 of 2017
3 of 2019

DATE PASSED

August 8, 2017
January 28, 2019

CITY OF PRINCE ALBERT BYLAW NO. 10 OF 2017

A Bylaw of The City of Prince Albert to establish and enforce minimum standards of maintenance and repair of building within the City of Prince Albert

WHEREAS Section 8 of *The Cities Act*, enables a Council to pass a bylaw for purposes of establishing minimum standards for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS it is deemed desirable to provide for the matters referred to above and to establish minimum standards for the states of repair and maintenance of existing buildings;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Part I – Interpretation

1. Short Title

This Bylaw may be cited as the “Property Maintenance Bylaw”.

2. Purpose

The purpose of this bylaw is to provide for the proper maintenance to all existing buildings, structures and dwelling units within the City of Prince Albert.

3. Definitions

In this Bylaw:

- a) “Accessory building” means an accessory building within the meaning of The City of Prince Albert’s current Zoning Bylaw, which may be amended from time to time;
- b) “Act” means *The Cities Act*;
- c) “Administrator” means the Director of Planning and Development or any other designate authorized by the City Manager;

- d) “Building” means a building within the meaning of *The Cities Act*;
- e) “Bylaw Manager” means the person appointed by Council to administer and oversee bylaw enforcement for the City;
- f) “Officer” means a Bylaw Enforcement Officer appointed by the Bylaw Manager;
- g) “Inspector” means The City of Prince Albert’s Chief Building Official or Building Inspector, The Prince Albert Police Services Bylaw Manager or Special Constable;
- h) ”City” means the City of Prince Albert;
- i) “Council” means the Council of the City of Prince Albert;
- j) “Dwelling unit” means one or more rooms including kitchen designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping;
- k) “NBC” means the Current National Building Code of Canada;
- l) “NFC” means the Current National Fire Code of Canada;
- m) “Occupant” means an occupant as defined in *The Cities Act*;
- n) “Owner” means an owner as defined in *The Cities Act*;
- o) “Property” means land or buildings or both;
- p) “Property Maintenance Appeals Board” means a Local Appeal Board established by the City pursuant to *The Cities Act*;
- q) “Structure” means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil, but not including pavements, curbs, walks, or open air surfaced areas.

4. Responsibility

Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this bylaw.

Part II - Property Maintenance

5. Duty to Maintain

- a) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.
- b) No person shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards.
- c) Notwithstanding Section 4, every occupant of a property, including land, buildings and structures, shall:
 - i) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - ii) maintain exits to the exterior of the building in a safe and unobstructed condition; and
 - iii) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards.

6. Accessory Buildings

- a) Accessory buildings shall be kept:
 - i) in good repair; and
 - ii) free of health, fire and safety hazards.
- b) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

7. Building Components

- a) The structural components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings, shall be maintained in a safe condition, and shall be capable of performing the function that they were intended to perform.
- b) If, in the opinion of the Inspector, the foundation of a building is not structurally sound or is allowing the ingress of water through cracks or other damage, the Inspector shall require that the owner engage a certified architect or engineer to inspect the foundation and provide a written copy of such report/inspection to the Inspector,

outlining the deficiencies, if any, of the building. Such report shall be provided to the Inspector within a specified amount of time as set by the Inspector and the report shall be at the sole cost/expense to the owner. Failure to provide this report shall be an offence under this bylaw.

- c) The owner will be required to comply with the report requested in subparagraph (2) above, as per the deadline(s) set out by the Inspector.

8. Exterior Walls

- a) All exterior surfaces shall be made of materials which provide adequate protection from the weather.
- b) Exterior walls shall be covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect the walls from deterioration due to moisture penetration.
- c) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building.

9. Roofs

- a) The roof and its components, including the shingles, fascia boards, soffit, cornice and flashing, shall be maintained in a watertight condition so as to prevent deterioration or leakage of water into the building, or the entry of vermin.
- b) Loose materials, including dangerous accumulations of snow or ice, shall be removed from the roof of a building as soon as reasonably possible so as to prevent damage to the building or injury to persons in or near the building.
- c) Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceilings or floors in the building but it shall not drain onto a public street so as to create a hazardous condition.
- d) Eaves troughs, downspouts, and extensions shall be watertight and maintained in good repair.
- e) Every roof shall have adequate ventilation provided by roof top and soffit venting to meet National Building Code requirements.

10. Chimneys

- a) Chimneys, flue pipes and smoke stacks shall be maintained in good repair so as to prevent gases, water or any other substance from leaking into the building.
- b) Chimneys, flue pipes and smoke stacks shall be free of any defects.
- c) Chimneys, flue pipes and smoke stacks shall have all defective masonry or metal components repaired or replaced as needed.
- d) Chimneys, flue pipes and smoke stacks shall be kept clear of obstructions

11. Exterior Doors, Storm Doors, Windows and Screens

- a) A door shall be provided at each entrance to a building and when closed it shall be tight-fitting within its frame.
- b) Exterior doors, storm doors and storm windows shall be kept in a reasonable state of repair, and shall be weather-tight so as to perform their intended function.
- c) Openable windows within two metres of ground level shall have an acceptable locking mechanism.
- d) Exterior doors shall have an acceptable locking mechanism.
- e) Windows and glass doors which separate heated space from unheated space or from the exterior shall be at least double glazed unless there is a separate storm door or window.
- f) Windows and doors which open to the exterior and which are used for natural ventilation shall be screened so as to provide protection from the weather and insects.
- g) Windows that provide egress from a bedroom shall have at least one outside window or exterior door openable from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware. They need to provide an unobstructed opening of not less than 0.35 metres squared (m²) in area with no dimension less than 380 millimetres, and maintain the required opening during an emergency without the need for additional support.

- h) Where an egress window opens into a window well, a clearance of not less than 760 millimetres shall be provided in front of the window.

12. Stairs, Porches, Decks and Railings

- a) Stairs, porches, decks and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped.
- b) A handrail shall be installed on at least one side of all exterior and interior stairs having more than three risers.
- c) A guardrail shall be installed on all open sides where the difference in elevation between the adjacent ground level the walking surface exceeds 600 millimetres.
- d) Guardrails shall be 900 millimetres in height where the walking surface is not more than 1800millimetres above grade.
- e) Guardrails shall be 1070 millimetres in height where the walking surface is greater than 1800 millimetres above grade.
- f) Guardrails shall have openings not exceed 100 millimetres between the pickets and shall not facilitate climbing.

(3 of 2019, s.1a)

13. Electrical Services

- a) All electrical outlets and light fixtures shall be maintained in good working condition with required cover plates and no exposed wiring.
- b) Every habitable room, other than a kitchen, shall have at least one approved electrical outlet.
- c) Every kitchen shall have at least two approved electrical outlets. If a new electrical outlet is installed within 1.8 meters of a sink, the new outlet shall be of the Ground Fault Circuit Interrupter (GFCI) type.
- d) If an electrical outlet currently exists in a bathroom, it shall be an approved outlet. If any new electrical outlet is installed in a bathroom, it shall be the Ground Fault Circuit Interrupter (GFCI) type.
- e) At least one lighting outlet with fixture shall be provided in every kitchen, utility room, laundry room, dining room, bathroom, stairway, storage room and service room. The fixture shall be

permanently installed and shall be maintained in good working order.

- f) Overhead electrical masts must be maintained in good condition to support electrical wires.
- g) At any time, an Inspector may request that the owner obtain written documentation from a certified electrician or electrical inspector providing proof that the requirements of the National Electrical Code of Canada have been met. Failure to do so shall be an offence under this bylaw.

14. Floors and Stairs

- a) Floors and stairs shall be free of loose, warped, protruding or rotting floor boards.
- b) Floor and stair coverings, including tiles, linoleum and carpeting, shall be kept in a reasonable state of repair.

15. Walls and Ceilings

- a) Every wall and ceiling shall be maintained in good condition and free from holes, large cracks, loose plaster or other hazards.
- b) Every wall and ceiling shall be painted or finished in a suitable manner.
- c) The surface of every wall and ceiling shall be maintained in a reasonably clean and sanitary condition. Surfaces shall be cleaned so as to avoid buildup of grease or other flammable material.
- d) Traditional wood veneer backed paneling, or any other type of interior cladding having a flame spread rating greater than 200 shall not be allowed unless tightly adhered to a wall surface with a flame spread rating of 200 or less.

(3 of 2019, s.1b))

16. Water Supply

- a) Every occupied building shall be provided with an adequate supply of potable running water.
- b) Every sink, wash basin, laundry, bathtub, or shower in a building shall have an adequate supply of hot and cold running water.
- c) Every toilet shall have an adequate supply of running water.

17. Plumbing Facilities

- a) All plumbing facilities in a building, including fixtures, drains, water pipes and connections to the water and sewer systems shall be protected from freezing, be maintained in good working order and be free from leaks or other defects.
- b) All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- c) Seats shall be provided for all toilets and the seats shall be kept in good repair.

18. Gas and Open Flame Type Appliances

- a) Gas stoves, water heaters and other gas appliances shall be equipped with suitable pipes or flues for the removal of the products of combustion.
- b) All gas appliances shall be of an approved type, shall be installed in an approved manner and shall be kept in a proper state of repair.

19. Fireplaces

- a) Fireplaces and similar installations used or intended to be used for burning fuels in open fires, shall be connected to approved chimneys, smoke pipes, flues or gas vents.
- b) Fireplaces and similar installations shall be installed in accordance with the manufacturer's instructions.
- c) Fireplaces and similar installations shall be installed so that adjacent combustible materials and structural members are not over-heated to an unsafe condition.
- d) All chimneys, smoke pipes, flues or gas vents used in connection with a fireplace or similar installation shall be free of leaks and be maintained in a proper state of repair.
- e) Where a room contains a solid, fuel-burning appliance, a CO alarm conforming to CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices," shall be mechanically fixed:
 - i) at the manufacturer's recommended height where these instructions specifically mention solid, fuel-burning appliances; or

- ii) in the absence of specific instructions related to solid, fuel-burning appliances on or near the ceiling.

20. Ventilation

- a) Every basement, kitchen, bathroom, attic, crawl space and similar space shall be adequately ventilated to the outside.
- b) Every opening for natural ventilation other than windows shall be constructed to provide protection from the weather, rodents and insects.
- c) Screening shall be of rust-proof material.
- d) Unless a satisfactory alternative means of ventilation is provided, every habitable room shall have at least one window which can be easily opened.
- e) Where a system of mechanical ventilation is provided, it shall be designed and installed in accordance with the current National Building Code of Canada.
- f) All enclosed spaces within a dwelling unit shall:
 - i) be adequately ventilated;
 - ii) have access of sufficient size to permit entry; and
 - iii) be fitted with a door or panel to enclose the opening except when the access opening is from the adjacent basement and provides ventilation to the crawl space.
- g) Dryer vent pipes shall be made from metal or a smooth corrosion resistant material, thin wall flexible plastic piping is not acceptable.

(3 of 2019, s.1c)

21. Light

- a) Light shall be available at all times in every stairway, corridor, hall, storage room and service room in a building.
- b) The average level of light in corridors and stairways shall be at least 50 lx at floor or tread level.

22. Egress

- a) Every building shall have a means of egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- b) Every means of egress shall be maintained in good repair or free of obstructions which constitute a fire hazard.

23. Heating

- a) Every dwelling unit shall be equipped with adequate heating facilities properly installed and maintained in safe and good working condition.
- b) Heating facilities shall be capable of maintaining an indoor temperature of 22 degrees Celsius (22°C) when the outside temperature is minus 35 degrees Celsius (-35°C) or colder. The required temperature shall be taken at a height of 750 millimetres from the floor in the centre of each occupied room.
- c) Portable room heaters shall not be used as a primary source of heat.
- d) Fuel-burning equipment shall be vented by means of rigid connections to a chimney or flue which provides a sufficient outlet for the escape of all noxious gases.
- e) In a multi-dwelling unit, air from one suite shall not be circulated to any other suite or to a public corridor except where an existing recirculating air-handling system serving more than one suite is of sufficient design and operated with capabilities to render the air free from conditions capable of constituting a health hazard and shall shut down automatically upon detection of smoke.
- f) If, in the opinion of the Inspector, the heating equipment in a building or dwelling unit is not functioning properly, the Inspector shall require that a certified technician inspect the heating equipment and provide to the Inspector a copy of such written report. The owner shall comply with all requirements of the technician at his or her sole cost. The owner shall be required to provide documentation that the work has been completed by a certified technician by a deadline set by the Inspector. Failure to comply will be an offence under this bylaw.

24. Sanitary Facilities

- a) Every dwelling unit shall have self-contained within:

- i) a toilet;
 - ii) a wash basin; and
 - iii) a bathtub or shower.
- b) In every bed and breakfast, and boarding house where sanitary facilities are shared:
 - i) all occupants shall have convenient access to a bathroom, wash basin, and bathtub or shower;
 - ii) all required facilities shall be located within the building so as to be accessible from a common hall or passageway without going outside the building or through another occupant's quarters;
 - iii) all required facilities shall not be located more than one floor away from the dwelling unit; and
 - iv) the number of occupants sharing the use of a bathroom, wash basin, and bathtub or shower shall not exceed 10 persons.
- c) Bathtubs, showers or toilets shall not be located in any habitable room.
- d) The wash basin shall be in the same room as the toilet or in an accessible adjoining room.
- e) All bathrooms shall have mechanical or natural ventilation.
- f) All bathrooms shall be fully enclosed and fitted with a door capable of being locked from the inside in order to provide privacy for the occupant.
- g) Sewage shall be properly discharged into the sewage system.

25. Kitchen Facilities

- a) Unless otherwise approved, every dwelling unit shall be equipped with safe and adequate cooking facilities for the occupants.
- b) A counter work surface at least 1500 millimetres long and 500 millimetres wide, including the area occupied by the kitchen sink, shall be provided in the kitchen.

- c) A clearance of at least 750 millimetres above the heating elements of any cooking appliance need not be protected by secondary means. If the clearance above a heating element is between 600mm and 749 millimetres the cupboards/shelving above shall be protected by drywall facing covered by sheet metal at least 0.33 millimetres in thickness. No cupboard or shelving is allowed to be located less than 600 millimetres above a heating element.

26. Fire Safety Standards

- a) If more than one dwelling unit is located above the first floor, every dwelling unit located on each floor above the first shall have access to a second means of egress which shall not pass through a room in another dwelling unit.
- b) Smoke alarms shall be installed in each dwelling unit within 5 metres of every bedroom and one per floor hardwired with battery backup, and in all common areas.
- c) Carbon monoxide alarms shall be installed within 5 metres of every bedroom.
- d) Smoke alarms shall be installed on or near the ceiling as per manufacturers' specifications.
- e) Where required by the NBC, a fire alarm system must be installed, fully operational and verified annually by a qualified electrician.
- f) In a building or dwelling unit that is required to be separated by fire separations, the said fire separations shall conform to the NBC.
- g) Existing dwelling units that do contain cooking facilities and are used as a boarding or lodging house, where sleeping accommodation is with less than 8 boarders or lodgers, do not need to have a fire separation between the suites and the remainder of the floor area.
- h) A building having multi-units shall have the service room separated from the remainder of the building by a 1-hour fire resistance rating on the walls and ceiling.
- i) Solid core doors with self-closing devices shall be installed in any common areas and to the entrances of each suite that is accessed from the common space.

Part III - Enforcement, Offences and Penalties

27. Enforcement of Bylaw

- a) The administration and enforcement of this bylaw is hereby delegated to the Director of Planning and Development Services for the City of Prince Albert.
- b) The Director of Planning and Development Services for the City of Prince Albert is hereby authorized to further delegate the administration and enforcement of this bylaw.

28. Inspections

- a) The inspection of property by the City to determine if this bylaw is being complied with is hereby authorized.
- b) Inspections under this bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
- c) No person shall obstruct an Inspector who is authorized to conduct an inspection under this section, or a person who is assisting an Inspector.
- d) An Inspector may request that the owner supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing, or activity. If requested, the documentation will be required to provide solution(s) to rectify the condition, thing or activity which the owner shall then be required to complete.
- e) An Order may contain an option or a requirement to demolish a structure. If provided as an option, demolition may be chosen by the owner as an alternative to undertaking repairs. Demolition may be required by Order without the option to repair if the structure has been deemed to pose an unacceptable risk to public safety in terms of structure, condition or use.
- f) The requirements contained within an Order do not suspend the need to comply with conditions defined by any other bylaw, act or regulation, including but not limited to the need to obtain permits, permissions or certification.

29. Order to Remedy Contraventions

- a) If an Inspector finds that a person is contravening this bylaw, the Inspector may, by written Order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

- b) Orders given under this bylaw shall comply with Section 328 of *The Cities Act*.
- c) Orders given under this bylaw shall be served in accordance with Section 347 of *The Cities Act*.

30. Registration of Notice of Order

If an Order is issued pursuant to Section 29 of this bylaw, the City may, in accordance with Section 328 of *The Cities Act*, give notice of the existence of the Order by registering an interest against the title to the land that is the subject of the Order.

(3 of 2019, s.1d))

31. Appeal of Order to Remedy

- a) A person may appeal an Order made pursuant to Section 54 of *The Cities Act* in accordance with Section 329 of *The Cities Act*.
- b) Appeals shall be made initially to the City of Prince Albert Property Maintenance Appeal Board, which Board is hereby established and appointed by Council.

32. City Remedying Contraventions

The City may, in accordance with Section 330 of *The Cities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.

33. Civil Action to Recover Costs

The City may, in accordance with Section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this bylaw by civil action for debt in a court of competent jurisdiction.

34. Adding Amounts to Tax Roll

The City may, in accordance with Section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remedying a contravention of this bylaw to the taxes on the property on which the work was done.

35. Emergencies

In the event that it becomes an emergency to remedy a contravention of this bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 331 of *The Cities Act*.

36. Offences and Penalties

- a) No person shall:
 - i) fail to comply with an Order made pursuant to this bylaw;
 - ii) obstruct or hinder any Bylaw Officer or any other person acting under the authority of this bylaw; or
 - iii) fail to comply with any other provision of this bylaw.
- b) Every person who contravenes any provision of Subsection (a) is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Courts:
 - i) in the case of an individual, to a fine of not less than \$500 and not more than \$10,000;
 - (A) on a first offence, a fine of \$500;
 - (B) on a second offence, a fine of \$750;
 - (C) on a third offence, a fine of \$1,000;
 - ii) in the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000;
 - (A) on a first offence, a fine of \$1,000;
 - (B) on a second offence, a fine of \$1,500;
 - (C) on a third offence, a fine of \$2,000;
 - iii) in the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.
- c) If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

(26 of 2017, s.1; 3 of 2019, s.1e))

37. Severability

If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

38. Repeal of Bylaws

Bylaw No. 19 of 2016 is hereby repealed.

39. Coming Into Force

This bylaw shall come into force on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 6th DAY OF March , AD 2017.

READ A SECOND TIME THIS 6th DAY OF March , AD 2017.

READ A THIRD TIME AND PASSED THIS 6th DAY OF March, AD 2017.

“Greg Dionne”

MAYOR

“Sherry Person”

CITY CLERK