

BY-LAW NUMBER 33

BE IT ENACTED BY THE Town Council of the Town of Lockeport, under the authority of Section 221 (77) of the Town's Act as follows:

Part I - Short Title

1. This by-law shall be known and cited as the " Minimum Maintenance and Occupancy By-Law ".

Part 2 - Interpretation

2.(1) The owners of buildings built prior to the coming into force of a Building By-Law shall maintain those buildings in accordance with the standards as contained in Part 6 of this By-Law.

(2) The occupants of all dwellings in the Town of Lockeport shall maintain that portion of the dwelling within their exclusive possession in accordance with the standards contained in Part 7 of this By-Law.

(3) All buildings built subsequent to the coming into force of this By-Law shall be constructed and maintained in compliance with the Minimum National Building Code Requirements.

(4) All repairs or alterations made to any building shall be performed in compliance with the standards contained in the National Building Code.

(5) The standards of this By-Law are minimum standards and this By-Law shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs and alterations contained in the National Building Code.

3. In this By-Law:

(1) " boarded up building " means a building for which the occupancy permit has been withdrawn by written authorization by the Building Inspector and which is boarded up so as to restrict entrance in a manner acceptable to the Building Inspector.

(2) " building " includes a structure of any kind and anything affixed to or integrated in a building that would, without special mention be transferred by a conveyance of the land on which such building is located but does not include a building under construction or a boarded up building.

(3) " Building Inspector " means the person appointed by the Town Council to be the Inspector of Buildings in the Town of Lockeport.

(4) " building under construction " means a partially completed building for which a valid building permit is still in force and for which an occupancy permit has not been granted.

(5) " Council " means the Town Council for the Town of Lockeport.

(6) " dwelling " includes any building, part of a building, tent, trailer, or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto.

(7) " dwelling unit " means a room or suite or rooms occupied or capable of being occupied as an independent and separate house-keeping establishment.

(8) " exclusive possession " means the occupancy of premises by someone other than the owner by notice of a written lease or by notice of the consent of the owner.

(9) " habitable room " means a room designed for or which may be used for living, sleeping, eating or cooking.

(10) " non-habitable room " means an area of a building other than a habitable room, is a dwelling or dwelling unit, and includes the following:

(a) a bathroom or shower room

(b) a toilet room

(c) a laundry room

(d) a boiler room

(e) a furnace room

(f) a pantry

(g) a closet

(h) a corridor

(i) a foyer

(j) a stairway

(k) a lobby

(l) a recreation room or

(m) other space for services or maintenance of the dwelling or access to and vertical travel between storeys.

(11) " notice " means a notice of intention to revoke the occupancy permit for alleged violation of this By-Law.

(12) " occupancy permit " is a permit obtained from the office of the Building Inspector, stating the uses that can be made of the building and may prescribe conditions under which such a permit is issued and held.

(13) " occupier " includes the resident of land or if there is no resident, the person entitled to possession thereof, a leaseholder, and a person having or enjoying for any way or purposes, the use of land, otherwise than as owner.

(14) " owner " includes any one or combination of the following:

(a) a person who is entitled to possession as tenant in fee simple, for life, or for a term of not less than twenty years;

(b) a mortgagee in possession;

(c) where the mortgagee of land is not in possession, the person entitled to the equity or redemption;

(d) the person managing or receiving the rent of the land or premises, whether on his own account or as agent or trustee of any other person;

(e) a person who is assessed for the building on the Assessment Roll of the Town as of the date of alleged violation;

(f) the person who is entitled to possession by reason of an agreement of sale between that person and the owner of the property.

(15) " person " means any person, male or female, and any body corporate, and includes a partnership.

(16) " repair " includes taking the necessary action to bring any building to the standards contained herein, including boarding up.

(17) " standards " means the standards for the maintenance and improvement of physical condition and for the fitness or occupancy prescribed for dwellings in Part 6 and Part 7 of this By-Law.

Part 3 - General Duties and Obligations

4. The owner of a building as herein defined shall maintain the building to the standards as contained in Part 6 herein and failure to meet each and every standard as contained therein shall constitute a separate and distinct offence.

5. The occupant of a dwelling, building or dwelling unit shall maintain that portion of the building under his exclusive possession to the standards as contained in Part 7 of this By-Law and failure to meet each and every standard as contained therein shall constitute a separate and distinct offence.

6. All repairs to a dwelling shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose.

7. The owner of a dwelling as herein defined shall obtain and maintain a valid occupancy permit for the dwelling at all times.

Part 4 - Occupancy Permits

8.(1) Every dwelling as herein defined which appears on the Assessment Roll for the Town of Lockeport for the year 1976 shall be deemed to have an occupancy permit in full force and effect as of the 30th. day of September 1976.

(2) All occupancy permits not obtained according to subsection (1) shall be obtained by application to the office of the Building Inspector.

9.(1) The Building Inspector may refuse to issue, or may cancel an occupancy permit, if in his opinion, the building fails to meet the requirements of this By-Law or any other law or by-law of the Town.

(2) Subject to Section 11 (2), an occupancy permit, once cancelled, shall not be reinstated by the Building Inspector, unless the building meets all the requirements of this By-Law.

10.(1) Unless notice of his intention to do so is given to the owner at least ten (10) days beforehand, the Building Inspector shall not cancel an occupancy permit.

(2) The Notice required under subsection (1) shall be deemed to have been properly served if sent by prepaid ordinary mail to the address of the owner as it appears on the latest Assessment Roll for the Town.

(3) Unless the contrary is proven, any Notice sent by mail shall be deemed to be served on the day the Notice would in the normal course of post be delivered.

(4) Not less than five (5) days prior to the date of cancellation of an occupancy permit, the Inspector shall cause to be displayed copies of the Notice as set out in subsection (1) in conspicuous places throughout the dwelling.

11.(1) Any person who feels aggrieved by the decision of the Building Inspector pursuant to Section 9 may appeal that decision to Council by written notice delivered to the Clerk within fifteen (15) days of the date of cancellation of the occupancy permit.

(2) Council, on appeal, may confirm, rescind or vary the decision of the Building Inspector.

12.(1) The owner of a building, instead of acquiring an occupancy permit, may obtain a permit to board up the building.

(2) A permit to board up a building may be granted by the Building Inspector where the building is vacant at the time of application.

(3) The permit to board up a building may contain whatever conditions a Building Inspector deems necessary for safety.

(4) No permit to board up under this Section shall be valid for more than one (1) year from the date of issue.

(5) Upon the expiration of the one (1) year referred to in the previous subsection, no permit to board up shall be issued for the same building without the consent of Council.

Part 5 - Inspections and Orders of the Building Inspector

13.(1) If a Building Inspector becomes aware of a suspected violation of this By-Law, he shall inspect it within forty-eight (48) hours. For the purposes of this subsection, forty-eight (48) hours shall be exclusive of Saturdays, Sunday and holidays.

(2) Where a person has notified a Building Inspector of a violation of this By-Law, the Inspector may send to this person a copy of the inspection report by ordinary mail.

(3) If a tenant has notified the Building Inspector of a suspected violation of this By-Law, the landlord shall not harass a tenant.

14.(1) (a) In addition to any other remedies contained in this By-Law, the Building Inspector may order the owner to do whatever repairs are necessary to bring the building to the standards contained in Part 6 of this By-Law.

(b) In addition to any other remedies contained in this By-Law the Building Inspector may order the occupant to do whatever repairs are necessary to bring the building up to the standards of Part 7 of this By-Law.

(2) (a) When the Building Inspector makes an order pursuant to subsection (1) (a) of this section, the order shall be in a written form, directed to the owner.

(b) When the Building Inspector makes an order pursuant to subsection (1) (b) of this section, the order shall be in written form, directed to the occupant.

(3) The order of the Building Inspector under this Section may be served in the same manner as Notices under Section 10.

Part 6 - Owner's Standards

Rubbish

16. The owner shall keep all parts of the building, except those within the exclusive possession of an occupant, clean and free from:

- (a) rubbish, garbage and other debris;
- (b) objects and conditions, holes and excavations, that are health, fire or accident hazards.

Garbage Disposal

17.(1) Every building shall be provided with a garbage enclosure.

(2) The enclosure shall not be located in a habitable room and shall be adequate to enclose one weeks garbage of the number of people occupying the building.

Roofs

18.(1) The roof shall be kept weathertight and free from leaks.

(2) Every eavestrough, roof gutter and downpipe shall be kept:

- (a) in good repair,
- (b) in good working order,

- (c) watertight and free from leaks,
 - (d) free from health and accident hazards.
- (3) Every roof shall be kept free from:
- (a) loose or unsecured objects and materials,
 - (b) dangerous accumulations of snow and ice,
 - (c) all other fire and accident hazards.

Exterior Walls

19.(1) The components of every exterior wall of a building and the exterior wall shall be maintained:

- (a) in good repair,
 - (b) weathertight,
 - (c) free from loose or unsecured objects and materials,
 - (d) to prevent the entrance of insects and rodents,
 - (e) to prevent deterioration due to weather, insects or animals.
- (2) Without restricting the generality of Subsection (1), the maintenance of an exterior wall includes the waterproofing of the wall and joints, restoring, repairing and replacing of:
- (a) the wall,
 - (b) the bricks and mortar,
 - (c) the stucco, lathing and plaster,
 - (d) the cladding,
 - (e) the coping,
 - (f) the flashing.

Foundation Walls and Foundation Supports

20.(1) Every foundation wall forming part of a building shall be maintained in good repair so as to prevent settlement of the building or the entrance of moisture, insects or rodents.

(2) Without limiting the generality of Subsection (1), the maintenance of a foundation wall includes:

- (a) Jacking up, underpinning or shoring the walls where necessary,
- (b) replacing subsoil drains at the footing,
- (c) grouting masonry cracks,
- (d) waterproofing the wall and joints.

(3) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

(4) Without limiting the generality of Subsection (3), the maintenance of foundation supports includes:

- (a) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports,
- (b) making sills, piers, posts or other supports waterproof, weatherproof and insect proof by the application of paint or other suitable materials,
- (c) using suitable means to jack up or support the building where necessary.

Structural Soundness

21. Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected.

Drainage

22.(1) Every basement, cellar crawl space and similar space shall be adequately ventilated to the outside air and adequately drained.

(2) Every floor, every ceiling, both sides of every interior wall and the interior side of every exterior wall in a dwelling shall be maintained free from dampness.

(3) Subsection (2) does not apply to:

- (a) any non-habitable room in a basement or cellar,

or

- (b) a garage.

(4) Every building shall be so constructed and protected as to prevent the passage of noxious gases from a part of the building that is not used, designed or intended to be used for human habitation into other parts of the building intended, used or designed for human habitation.

Exterior Doors and Windows

23.(1) All exterior windows, doors and hatchways in a building shall be maintained in good repair and weathertight.

(2) Without restricting the generality of Subsection (1), the maintenance required includes:

(a) repairing or renewing damaged, decaying or rotten:

- (1) doors,
- (2) door frames and casings,
- (3) window sashes, and
- (4) window frames and casings.

(b) refitting doors and windows,

(c) weather stripping,

(d) repairing or replacing defective or missing door hardware and defective or missing window hardware,

(e) reglazing, and

(f) using other suitable means of weatherproofing.

(3) Every opening in an exterior wall that

(a) is used or required for ventilation, ^{or} illumination.

(b) is not protected by a window or door, and

(c) could permit the entry of rodents, or vermin,

shall be

(d) screened with wire mesh, metal grille, or other durable material, or

(e) otherwise protected so as to effectively prevent the entry of rodents, or vermin.

(4) Where storm windows are installed in a building, such windows shall be maintained in good repair and glazed.

(5) All shutters on a building shall be maintained in good repair.

(6) Without restricting the generality of Subsection (5), the maintenance includes:

(a) repairing or replacing damaged or decayed shutters and hardware, and

(b) using other suitable means to prevent deterioration due to weather and insects.

Egress

24.(1) The owner shall maintain a safe, continuous and unobstructed passage from the exterior of each dwelling unit in each building to the exterior of each building at street or grade level.

(2) The passage required in Subsection (1) shall not pass through a room in another dwelling unit.

Stairs, Balconies and Porches

25.(1) Every stairway, balcony or porch in, on or appurtenant to a building shall be maintained:

(a) in good repair,

(b) free from-

(1) holes,

(2) cracks,

(3) excessive wear and warping, and

(4) other defects that are accident hazards.

(2) Without restricting the generality of Subsection (1), the maintenance includes:

(a) repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose,

(b) repairing, renewing or supporting structural members that are rotted, deteriorated or loose,

(c) painting.

(3) Every open side of a stairway, flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing or stairwell shall have a rigid guardrail not less than three (3) feet high with an intermediate rail, or a balustrade in good repair firmly attached so as to provide reasonable protection against accident or injury, where

(a) the vertical rise between the base of the stairway and the top of the stairway exceeds four (4) feet, or

(b) the flat roof, terrace, verandah, porch landing or stairwell-

(1) is more than two (2) feet above the ground, floor or other horizontal place below, and

(2) can be used by any person who is in, on or at the building.

(4) Every stairway that does not require a guardrail or balustrade under Subsection (3) shall have a rigid handrail not less than three (3) feet high in good repair on at least one side of the stairway firmly attached so as to provide reasonable support for persons using the stairway.

Walls and Ceilings

26.(1) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, cracks and loose plaster.

(2) Every ceiling, both sides of an interior wall and the interior side of an exterior wall in a dwelling shall be lathed and plastered or covered with other material having equivalent qualities.

(3) Subsection (2) shall not apply to:

(a) a garage,

(b) any non-habitable room, except a bathroom, shower room or toilet room, whose floor is below the finished grade of the adjoining yard, or

(c) any attic space that is not used, designed or intended to be used for human habitation.

Floors

27.(1) All floors in a dwelling shall be maintained free from

(a) loose, warped, protruding, broken or rotted boards,

(b) holes or cracks.

(2) Where a floor in a dwelling is covered with linoleum or a similar covering that has become torn or holed so that it retains dirt or is an accident hazard, the covering shall be repaired, replaced or removed.

(3) Every bathroom floor, shower room floor and toilet room floor in a dwelling shall be maintained in a manner that permits easy cleaning.

(4) Without restricting the generality of Subsection (3), the maintenance includes installing, repairing, refinishing and replacing a floor or floor covering that will provide the required conditions.

Fireplaces, Fuel-burning Equipment, Chimneys, etc.

28.(1) Every fireplace used, capable of being used or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members

to unsafe temperatures and shall be effectively vented to the outside air by means of a chimney.

(2) In every building:

- (a) equipment that burns fuel,
- (b) heating equipment, and
- (c) every vent pipe, chimney, smoke pipe, flue or duct, connected to such equipment,

shall be so constructed, placed, protected and maintained in good repair as to prevent unsafe or dangerous conditions and the entrance of noxious gases into the dwelling.

(3) Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or a similar duct.

(4) Without restricting the generality of Subsections (1) and (2), the maintenance includes:

(a) Lining, repairing and relining the fireplace with fire resistant material,

(b) installing, repairing and replacing the hearth of the fireplace,

(c) clearing obstructions from the chimney, flue, smoke pipe or other duct,

(d) sealing open joints and repairing masonry,

(e) using piping or ducts of adequate size for a chimney, flue, smoke pipe, vent pipe or a similar duct.

(5) Subsection (3) does not apply to a domestic appliance used for cooking if the appliance is

(a) so constructed, designed and used as not to require venting and

(b) not used or intended to be used for heating purposes.

Heating System

29.(1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of not less than 70° Fahrenheit in all parts of all habitable rooms, bathrooms, and toilet rooms, in a dwelling at all times.

(2) The heating system shall be maintained in good repair and working condition and capable of heating the dwelling safely.

(3) Where in a dwelling

- (a) a heating system or part of it, or
 - (b) an auxiliary heating system or part of it burns
- or is designed or intended to burn solid or liquid fuel, a place or receptacle for the storage of such fuel shall be provided and maintained in good condition in the dwelling and properly constructed so as to be free from fire or accident hazards.

(4) All fuel-burning appliances, equipment, accessories and installations in a building shall be installed in a good workmanlike manner and maintained in good repair and working order.

(5) Where there is fuel burning equipment in any occupied dwelling not occupied by the owner and the owner is requiring by the lease or agreement providing for the occupancy to provide fuel, an adequate supply of fuel shall be available at all times for such equipment, subject to the exceptions provided in Section 28.

Heating Equipment Connections

30.(1) All connections between

- (a) heating equipment or
 - (b) cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel in a dwelling,
- the source of liquid or gaseous fuel shall be maintained rigid and in good repair.

(2) Notwithstanding Subsection (1), an approved flexible connector may be used to connect a gas stove used only for cooking purposes to its source of gaseous fuel.

Plumbing and Plumbing Fixtures

31.(1) All plumbing in a building or dwelling, including plumbing fixtures, drain, water pipes, water closets and connecting lines to the water and sewer systems, shall be installed and maintained in good working order and repair and free from leaks and other defects.

(2) A water closet or a urinal in a dwelling shall be located only within a separate bathroom or toilet room.

(3) Subject to Subsection (6), a wash basin that is in good working order, served with hot and cold running water and connected to the drainage system for the dwelling shall be located in every room that contains a water closet or a urinal.

(4) Notwithstanding Subsection (3), where a dwelling contains not more than three (3) dwelling units, the wash basin therein referred may be located in a room adjoining the room that contains a water closet or a urinal.

(5) Every bathroom and toilet room in a dwelling shall-

(a) be located within the main portion of the building,

(b) have provisions for privacy, and

(c) where the bathroom or toilet room is used or is intended to be used by more than one (1) roomer or boarder or by the occupants of more than one (1) dwelling unit, have an entrance from a common passageway, hallway, corridor or other space used in common by the occupants of the dwelling.

(6) No person shall store or prepare food in a room that contains a water closet or a urinal.

(7) An adequate supply of potable water shall be available at all times to all plumbing fixtures located in a dwelling.

Kitchens

32.(1) Every room in a dwelling unit in which meals are prepared shall have a sink that:

(a) is served with hot and cold running water.

(b) is connected to the sewer system for the building.

ing.

(c) is in good repair and working order.

(2) Every kitchen shall be provided with a properly installed and maintained source of electricity.

Electrical System

33.(1) Every residence shall be connected to an electrical supply system and shall be wired for electricity.

(2) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling subject to the exceptions provided in Section 36.

(3) The capacity of the connection to the building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use in the building.

(4) Subject to Subsection (5), every habitable room in a dwelling shall have at least two (2) duplex receptacles.

(5) A kitchen electric utility receptacle shall:

(a) be mounted in a separate outlet box,

(b) be connected to a utility circuit used exclusively for the utility of Number 12 gauge wire, and shall be protected by no larger than a 15 ampere fuse or circuit breaker.

(6) Every laundry area in a dwelling shall have at least one electrical duplex convenience outlet in good working order.

(7) An electrical light fixture shall be permanently installed and maintained in good working order in every water closet compartment, toilet room, bathroom, shower room, kitchen, kitchenette cooking space, laundry room, furnace room, hall and stairway in a dwelling.

(8) No person shall place an extension cord directly beneath a floor covering or through a doorway, transom, wall, ceiling or floor and no person shall use, cause or permit the use of an extension cord so placed.

(9) The electrical wiring, circuits, fuses, circuit breakers, and electrical equipment in a dwelling shall be maintained at all times:

(a) in good repair and working order, and

(b) free from fire and accident hazards.

Lighting and Ventilation

34.(1) Every habitable room in a dwelling, except the kitchen, shall contain one or more windows or skylights that:

(a) are at least 50% above the level of the ground outside the wall in which it is installed,

(b) open directly to the outside air,

(c) have a total glass area of not less than 10% of the total floor area of the room.

- (2) All skylights, windows and window sash shall:
- (a) be glazed,
 - (b) be provided with proper and suitable hardware,
 - (c) open to the outside air to the extent of not less than 5% of the floor area of the room,
 - (d) be maintained in good repair,
 - (e) be easily opened and closed at all times.
- (3) Portions of a window that are in a window well shall not be counted in computing the window area for the purposes of subsection (1) or the opening area for the purposes of Subsection (2).
- (4) Lighting equipment in good working order shall be provided and maintained at all times in every:

- (a) stairway,
- (b) hall,
- (c) bathroom,
- (d) shower room,
- (e) toilet room,
- (f) basement or cellar,
- (g) laundry room,
- (h) furnace room,
- (i) similar non-habitable work room,
- (j) kitchen,

in a dwelling.

- (5) Every habitable room, bathroom, shower room, and toilet room in a dwelling shall be provided with adequate natural or artificial means of ventilation.
- (6) Where any system of mechanical ventilation is provided in any room in a dwelling, it shall be:
- (a) capable of completely changing the air in the room at least once per hour,
 - (b) maintained in good repair and working order at all times.
- (7) All enclosed spaces within a dwelling shall be adequately ventilated and access of sufficient size to permit entry shall be provided thereto and fitted with a door or panel to enclose the opening.

Multiple Occupancy Dwellings

25.(1) In this section, "multiple occupancy dwelling" means a dwelling that contains more than three (3) dwelling units or in which lodging is provided for more than three (3) roomers or boarders.

(2) The standards provided by this section apply to multiple occupancy dwellings only.

(3) Nothing in this section shall relieve any owner of multiple occupancy dwellings from compliance with all of the other standards of this part.

(4) Every-

- (a) passageway,
- (b) hallway,
- (c) corridor,
- (d) entrance,
- (e) lobby,
- (f) living room,
- (g) dining room,
- (h) recreation room,
- (i) other area,

used in common by the occupants of a multiple occupancy dwelling shall be maintained in a clean and sanitary condition.

(5) Without limiting the generality of Subsection (4), the maintenance includes:

- (a) regular cleaning of the floors and walls,
- (b) covering the floors with a durable material that is free from cracks, holes or other defects that retain dirt or are health or accident hazards,
- (c) covering the walls and ceilings with a durable material that is resistant to cracking, scratching, or breaking or alternatively, regularly painting or decorating, so as to provide a finished surface which can be easily cleaned.

(6) Every room used for sleeping purposes and every dwelling unit in a multiple occupancy dwelling shall have at the entrance to the room or the dwelling unit, as the case may be, a door that closes securely and that is fitted with

proper hardware in good repair and working condition.

(7) In every multiple dwelling, the facilities required by Section 31 shall be located and available to each occupant of a multiple occupancy dwelling on:

(a) the same storey as, or

(b) the next storey up or down from the storey on which the room or dwelling unit occupied by the occupant is located.

Utilities Not to be Shut Off

36. No owner of a dwelling which is used for the purpose of human habitation shall disconnect, shut off, remove, otherwise discontinued or cause or permit the disconnection, shutting off, remove, or other discontinuance of any gas, water, steam, electric power, fuel oil or other service or utility serving a dwelling except when such action is necessary in order to safely make repairs, replacements, or alterations in, at or upon the dwelling and then only after personal notice is delivered to the individual dwelling units, and then only for the reasonable minimum time that such action is necessary, provided that without limiting the generality of the foregoing, an owner liable for rates for gas, water, steam, electric power, fuel oil or other service or utility who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected, shut-off, removed or disconnected shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

Use of Non-habitable Rooms

37(1) The owner shall not use or permit the use of a non-habitable room in a building for habitable room purpose.

(2) The owner shall not use or permit the use of the room for sleeping purposes.

(3) Where a room or part of a room in a dwelling does not exceed 4' 6" in height, the floor area under a ceiling that is not more than 4' 6" above the floor shall not be

counted in computing the floor area of the room for the purposes of Subsection (2).

(4) For the purposes of this section, a room that is less than $6\frac{1}{2}$ feet in height over more than one-half of the floor area shall be deemed to be a non-habitable room. A habitable room, an exit, and a passage shall have a minimum height of $6\frac{1}{2}$ feet. A projection from a ceiling, including a lighting fixture, shall be a minimum of $6\frac{1}{2}$ feet from the floor.

Basement Apartments

38. Where the floor of any portion of a building is below the finished grade of the property, no person shall use or permit the use of that space or any part thereof as one or more habitable rooms except where, in addition to the other standards prescribed in this by-law, the following requirements are met:

(1) The window area that provides natural light and ventilation shall be above the level of the surrounding ground;

(2) Ventilation of rooms in such space shall:

(a) be provided-

(1) through doors or windows, or

(2) by means of a system of mechanical vent-

ilation, including an exhaust fan:

either of which shall be-

(b) sufficient to completely change the air in such space at least once per hour.

(3) the floors and walls shall be so constructed as to be impervious to water leakage and shall be treated against dampness by the provision of an adequate vapour barrier.

(4) the floors shall be damp proof and shall be covered with a permanent floor covering material other than paint, that prevents condensation.

(5) each habitable room shall be separated from any room containing heating equipment by a fire resistant partition containing no openings other than an opening for a door with a door fitted therein and access to each habitable room shall not be gained by passage through a furnace

room or a boiler room.

(6) Every furnace room and every boiler room shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

(7) Where a laundry room that is used by-

(a) the occupants of more than two (2) dwelling units, or

(b) the members of more than two (2) families, is located, in a basement or cellar, the laundry room shall be provided with a system of mechanical ventilation that is

(c) maintained in good working order, and

(d) capable of completely changing the air in the laundry room at least once per hour.

Dimension and Utility Standards

39(1) A dwelling shall contain at least one toilet and one sink for each nine (9) persons living in the dwelling.

(2) A dwelling shall contain at least one bath tub or shower for each nine (9) persons living in the dwelling.

(3) An occupant shall have access to one bath tub or shower.

(4) For the purpose of this Section, a family unit of more than nine (9) persons shall be deemed to be nine (9) persons.

40(1) Except for a habitable room, no part of a dwelling shall be used for sleeping purposes.

(2) (A) Subject to paragraph (b), a habitable room used for sleeping purposes shall have a floor area of at least forty (40) square feet for each occupant.

(b) A habitable room used for sleeping purposes shall have a floor area of at least sixty (60) square feet.

41(1) A room shall have the following minimum dimensions:

<u>Room</u>	<u>Floor Area</u>	<u>Minimum Width</u>
Toilet room (with toilet only)	10 sq. ft.	3 ft.
Toilet room (with basin)	14 sq. ft.	3 ft.
Toilet room (with bath & basin or shower & basin)	28 sq. ft.	4 ft.
A habitable room	60 sq. ft.	7 ft.

(2) The floor space at points where the sloping walls or ceilings are less than 4' 6" above the floor in a vertical direction shall not be included in calculating the floor area of an attic room.

Part 7 - Occupant's Standards

42. All parts of a building which are occupied by a person other than the owner as defined herein and which are in the exclusive possession of the occupant shall be kept free from:

- (a) rubbish, garbage, and other debris,
- (b) objects and conditions that are health, fire or accident hazards.

43. All garbage, rubbish, and other debris shall be stored in the garbage enclosure provided by the owner.

44. The occupant of a dwelling unit shall maintain a safe, continuous and undisturbed passage from the interior of the dwelling unit to the exterior of the dwelling unit.

45. Cooking, heating and domestic hot water equipment, owned and installed by the occupant shall be maintained in good working order and repair.

46. The occupant of a dwelling unit shall not cause the occupancy of the dwelling unit under his care or control to contravene of the standards in Sections 39 and

40.

47. The occupant of a building shall not prepare food in a room containing a water closet or urinal.

Part 8 - Enforcement

48.(1) Every person who contravenes or fails to comply with this By-Law shall for each such offence be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a period not exceeding three months.

(2) Every day during which any such contravention or failure to comply continues shall be deemed a fresh offence.

49.(1) In the event of any contravention or failure to comply with the By-Law the town may in its own name bring an action or other legal proceedings in respect of the same, which the Supreme Court or a judge thereof may hear and determine at any time, and therein may, in addition to any other remedy or relief:

(a) make an order restraining the continuance or repetition of any such contravention or failure; or

(b) make an order directing the removal or destruction of any building or structure or part thereof, so contravening or failing to comply, or in respect of which any such contravention or failure has taken place, and that upon failure to comply with such order the Town Council may remove or destroy or may cause to be removed or destroyed such building or any part thereof, at the expense of the owner of the same; or

(c) make such other order as is required to enforce the by-law, and as to costs, and as to the recovery of the expense of any such removal or destruction, as to the Court or judge seems right.

(2) In the event of any fresh offence by the same person against the by-law after any such action or other legal proceeding has been commenced by the Town, it shall not be necessary to bring any other action or proceeding, but the action/or proceeding already begun may be from time to time amended so as to include subsequent violations of the By-Law, and the court or judge shall therein hear and deal with the whole matter of such violations.

(3) If the owner of any building or structure in respect of which any such contravention or failure to comply is taking place, or has taken place, can be found within the Town, the Town Council may post, or may cause to be posted, a notice of such contravention or failure, and of the intention to take proceedings in respect thereof, upon such building or structure, and at the expiry of ten days from the first day of such posting any proceeding in respect thereof may be had and taken ex parte.

(4) No action shall be maintained against the Town or against any of its officials or agents for anything purporting to be done under or in pursuance of this Section

THIS IS TO CERTIFY that the by-law
of which the foregoing is a true
copy was duly passed at a duly
called meeting of the Town Council
of the Town of Lockeport duly held
on the 12th. day of July A. D.,
1976.

GIVEN under the hand of the Town
Clerk and under the corporate
seal of the said Town this ^{1st}
day of *November* A. D., 1976.


.....
Town Clerk