



Legal Action

Charges or legal action may be undertaken under the Building Code Act. The fines are set at a maximum of \$25,000 for an individual and \$50,000 for a corporation for the first offence, and a maximum of \$50,000 for an individual and \$100,000 for a corporation for each subsequent offence.

Appeals Process

An owner may appeal an Order to Repair issued by a Property Standards Officer to the Property Standards Committee by filing a Notice of Appeal Form with the Committee Coordinator, Building & Development Department, City of Windsor, within 14 days after being served with the order. The form is attached to the Order to Repair. There is a fee to file an appeal, which is non-refundable.

The committee has only the following powers:

- Confirm or quash the order
- Amend the order
- Extend the deadline for compliance

An owner may appeal the committee's decision to a judge of the Ontario District Court within 14 days after receiving the decision. The court may rescind, amend or confirm the Order to Repair. The decision of the court is final and binding. To review the Property Standards Committee meeting schedule, visit the property standards section of www.citywindsor.ca

For general City of Windsor information, telephone 311

For specific inquiries:
The Corporation of The City of Windsor
Building & Development Department
350 City Hall Square West
City Hall, 4th floor
Windsor, ON N9A 6S1

Tel: (519) 255-6267
Fax: (519) 255-7170

Email: buildingdept@city.windsor.on.ca

Web site: www.citywindsor.ca

This pamphlet is intended to provide preliminary information only

April 2007

Property Standards

Building & Development Department

12



The Corporation of
The City of Windsor



Property Standards

Property Standards were established for the safety and general repair of both the exterior and interior of buildings and structures such as fences, retaining walls and driveways. The standards set out in the by-law are usually minimum maintenance standards that which follow provincial standards found in various codes and legislation.

The interior of buildings and structures with deficiencies in plumbing, electrical, heating and ventilation systems could be in violation of the Property Standards By-law.

Vacant buildings and properties that pose a risk of fire, accident or other dangers on the affected properties or to neighbouring properties should be reported to the Building Inspections Complaint Clerk at (519) 255-6266.

Complaints

The Building Inspection Unit accepts complaints regarding alleged violations of the Property Standards By-law, Waste Materials By-law, Standing Water By-law, and other by-laws enforced by this division.

- To file a complaint, you must provide the address of the property where the violation exists, or an exact description of the location.
- Provide a list of specific violations such as peeling paint, broken windows, garbage scattered about the property, etc.
- Provide your name, address and a telephone number where you can be contacted. Note that all information provided is kept confidential unless allowed for release by the complainant.
- Anonymous complaints will not be accepted.

To register a complaint:

- Call (519) 255-6266 or 311
- Fax (519) 255-7170 - Attention: Complaint Clerk
- Download our Property Inspection Unit Complaint

Information Sheet from the Web site www.citywindsor.ca - search "Property Inspection Unit Complaint Information Sheet."

When the complaint is made, it is received, classified and assigned for investigation by a Property Standards Inspector. Usually, the inspector inspects construction projects. Therefore, complaint investigations are performed as time permits, with the exception of those involving health and safety issues that are investigated as a first priority. Substantial infractions are resolved through a combination of education, persuasion and enforcement.

Common Violations

The most common by-law violations in the City of Windsor are those in the public view. While there are many possible by-law violations, the following are some of the most frequent:

- Uncontrolled grass or weeds (over 12 inches tall) in public view and lacking regular maintenance.
- Materials placed on the street or sidewalk.
- Garbage scattered around private property.
- Indoor furniture on the front of the property in public view.
- Construction activity without required zoning approvals and/or building permits.

Maintenance and Correction

Ultimately, the property owner is responsible for ensuring that violations are corrected. However, the property tenants might also have an obligation to keep the property in good condition and free from by-law violations. A tenant is responsible for damages caused by neglect or abuse by him/her or anyone else for whom he/she is responsible. The landlord is responsible for repairing conditions that seriously affect the rental unit's habitability. For less serious matters, responsibility to make repairs is often determined by the rental agreement.

Tenants

The Property Standards By-law relates to all buildings regardless of use. If a tenant believes that the unit he or she is occupying is unsafe, an inspection of the building can be performed by a qualified building inspector to determine compliance with the by-law. Problems such as broken windows, faulty plumbing, or electrical and structural faults are some of the most commonly recognized complaints.

Before contacting the City of Windsor about a possible breach of the Property Standards By-Law, notify your landlord about the possible deficiencies within your rental unit. Give a reasonable time frame in which you would expect the deficiencies to be corrected.

Enforcement Process

- An inspector will contact your landlord or agent to advise of any defects found and ask what action will be taken to complete repairs.
- When there is no indication that the problem is being corrected, the tenant will be contacted by a Property Standards Inspector to arrange a suitable time for an inspection to confirm the deficiencies.
- After the inspector confirms the deficiencies, an Order to Repair will be sent to the owner or agent listing deficiencies to be repaired within a prescribed time.
- An inspection will be made after the compliance date to confirm that the repairs have been done and, if so, the file is closed.
- The inspector can determine that the complaint is not valid and will not pursue any action.
- Where the owner fails to resolve the deficiencies in the order and does not appeal, the order becomes final and binding. The City of Windsor may then commence legal action.