BY-LAW NUMBER 149-2026

A BY-LAW TO ESTABLISH STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY IN THE CITY OF WINDSOR

Passed the 28th day of September, 2026.

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WHEREAS Section 15.1(3) of the *Building Code Act*, S.O. 1992, c. 23, as amended authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and level condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by Section 15.1(3) of the *Building Code Act*, S. O. 1992, c. 23, as amended;

AND WHEREAS Section 35.3 of the Ontario Heritage Act, (OHA) R.S.O. 1990, c. 0.18 authorizes municipalities to pass by-laws to include minimum standards for the maintenance of heritage attributes or properties designated by the municipality under Section 29 or by the Minister under Section 34.5 OHA, and require property that has been so designated, that does not comply with the standards, to be repaired and maintained to conform with the standards;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that Council may, by by-law, impose fees for services and activities provided or done by or on behalf of The Corporation of the City of Windsor;

AND WHEREAS it is deemed expedient to repeal By-law 148-2025 replace it with a new consolidated By-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 SHORT TITLE

1.1 This by-law may be cited as the Property Standards By-law.

SECTION 2 DEFINITIONS

2.1 In this by-law:

ACCEPTABLE means:

(a) accepted by the Chief Building Official of the Corporation with respect to matters under the Building Code; or

(b) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

ACCESSORY BUILDING means a completely detached building used for an accessory use of the lot.

ACT means the *Building Code Act*, S.O. 1992, c. 23, as amended or any successor thereof.

APPLIANCE means a device to convert fuel to energy and includes all components, controls, wiring and piping required as part of the device by the applicable standard referred to in the Building Code.

BARRIER-FREE means that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

BASEMENT means one or more storeys of a building located below the first storey.

BUILDING means a structure as defined in the Act.

BUILDING CODE means the Regulations made under the section 34 of the Act.

CELLAR means any part of a building where the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling above.

CHIEF BUILDING OFFICIAL means the Chief Building Official or his/her designate duly appointed by the Council and having jurisdiction for the enforcement of the Act.

CITY means The Corporation of the City of Windsor.

COUNCIL means the Council of the City.

CITY CLERK means the person duly appointed as Clerk for the City.

CRAWLSPACE means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance of less than 1.8 metres in height.

DERELICT BUILDING shall mean:

(a) a building which has been left vacant and/or neglected by the owner for a period of 182 days or more; or

(b) a building damaged by fire, storm or other catastrophic event where, in the opinion of the Officer the building is beyond practical repair.

DUCT TYPE SMOKE DETECTOR means a device used to detect the presence of smoke in the airstream of ductwork sections of the HVAC air handling systems.

DWELLING means a building or structure that is occupied for the purpose of human habitation. A correction institution, hotel, motel home, recreational vehicle, tent trailer or travel trailer is not a dwelling.

DWELLING UNIT means a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

EXIT means that part of a means of egress, including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.

FLOOR AREA means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

GRADE means:

(a) The average elevation of the crown of that part of the street abutting the front lot line. Where the elevation of a point on a building located on the lot is equal to the grade elevation, that point is deemed to be "at grade"; and

(b) Grade for an *accessory building* means the average elevation of the finished surface of the ground adjacent to the accessory building.

GUARD means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

HABITABLE ROOM a room within a dwelling that is designed, legally used, or able to be legally used for living, sleeping, cooking, or dining. A washroom/bathroom within a dwelling unit is a habitable room.

HERITAGE ATTRIBUTES means;

(a) The attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred

i. In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise; and

ii. In a Minister's order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise.

(b) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

HERITAGE PROPERTY means real property, and includes all buildings and structures thereon, in the City that:

(a) Has been designated by the City under section 29 of the *Ontario Heritage Act* or by the appropriate Minister under section 34.5 of the *Ontario Heritage Act*; or

(b) Is within a heritage conservation district pursuant to Part V of the *Ontario Heritage Act."*

INTERCEPTOR (GREASE & OIL) means a plumbing device designed to trap and separate grease, oil, and other non-soluble substances from wastewater before it enters the sewage system.

LOW-IMPACT DEVELOPMENT (LID) is a term that describes through land use planning and engineering design an approach to manage storm water as part of green on-site infrastructure.

MAINTAINED means to carry out any repairs, reconstruction, refinishing or replacement of any part or parts of the structure or building or appurtenances including heating and ventilation equipment required so they may properly perform the intended function.

MEANS OF EGRESS means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof for the escape of persons from any point in a building floor area, room or contained open space to a public thoroughfare or other suitable open space and includes exit and access to exits.

MULTIPLE DWELLING means one (l) dwelling, other than a double duplex dwelling, attached dwelling or townhome dwelling, containing a minimum of three (3) dwelling units.

NEGLECT means the failure of a property owner to maintain the property in accordance with the standards set out in this by-law.

NON-RESIDENTIAL PROPERTY means a building or structure, or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all outbuilding fences or erections thereon or therein.

OCCUPANT means any person or persons over the age of eighteen years in possession of the property.

OFFICER means a provincial offences officer as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 or any successor legislation.

ONTARIO BUILDING CODE (OBC) means the regulations made under section 34 of the Act.

ONTARIO HERITAGE ACT means the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18 as amended.

ORDER means a written direction issued pursuant to the Act requiring compliance with the standards prescribed by this by-law, and "orders" shall have a corresponding meaning.

OWNER includes the registered owner, the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if such land and premises were let, or a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this by-law.

PARKING AREA means an area used for parking spaces, bicycle parking spaces and loading spaces and includes all collector aisles and parking aisles capable of being maintained for the parking of five (5) or more operable motor vehicles. An outdoor storage yard is not a parking area.

PARKING GARAGE/STRUCTURE (STORAGE GARAGE) means a building or part of a building that is intended for the storage or parking of motor vehicles and that contains no provision for the repair or servicing of motor vehicles.

PART IV HERITAGE PROPERTY means property designated under section 29 or 34.5 of the *Ontario Heritage Act.*

PERSON includes any individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or mortgagee.

PRIVATE SEWAGE CONNECTION means the part of a private sewer system which connects private property to a municipal sewer system and includes: the tee or tap into the municipal sewer, the entire lateral from the municipal sewer to 3 feet (1.0 metres) inside the building including the cleanout tee fitting, the riser and cap/cast iron cover or sampling manhole with cast iron frame and cover; but does not include storm drainage or storm connections.

PRIVATE SEWAGE SYSTEM means a system contained on private property consisting of a septic tank, treatment unit and/or leaching bed system servicing a building(s) located wholly within the boundaries of the lot or parcel of land.

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, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land.

REAR YARD DRAIN means a drainage system located in the backyard of a property designed to collect and redirect excess rainwater.

REPAIR includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that the property conforms to the standards established in this by-law to the satisfaction of the Officer.

RESIDENTIAL PROPERTY means a building or structure or part of a building or structure that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes the land and premises appurtenant thereto and all mobile buildings or structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected.

SAFE CONDITION means a condition that does not pose or constitute a hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.

SERVICE ROOM means a room provided in a building to contain equipment associated with building services.

SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include storm water.

SEWAGE SYSTEM means the City of Windsor's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the City Engineer or Chief Building Official within the City.

STOREY means that part of a building between any floor and the floor, ceiling or roof next above. Any part of a storey exceeding 4.0 metres in height is deemed to be an additional storey for each 4.0 metres, or fraction thereof, of such excess. A cellar and that part of a building located entirely within a sloping roof and having a ceiling height greater than 2.0 metres over a floor area less than 50.0 percent of the area of the floor next below, is not a storey.

STORM WATER means discharge from a surface as a result of rainfall, snow melt and snow fall.

STORM WATER MANAGEMENT SYSTEM means an infrastructure designed to manage the runoff of rainwater, including drains, pipes, detention basins, storage facilities and other components.

SUITE means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

TSSA means Technical Standards and Safety Act, 2000, S.O. 2000, c. 16.

UNSAFE CONDITION means any condition that could be hazardous to the health or safety of any person authorized or unauthorized on or about the property.

USER FEE SCHEDULE BY-LAW means a by-law to establish and require the payment of fees and charges.

VACANT BUILDING shall mean a building which is neither used nor occupied by the owner or a tenant under a signed tenancy/lease agreement, for a period of more than 182 days.

WIRING means the installation of any wiring in or upon any land building, or premises from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from the points where electric power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment and any part of the wiring aforesaid and shall also include the maintenance, alteration, extension and repair of such wiring.

YARD means an open space, which is located on the same lot as a building or other structure and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by the City Zoning By-law.

2.2 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Ontario Building Code.

SECTION 3 AUTHORITY

3.1 The City Clerk shall administer this by-law.

3.2 The City Clerk and appointed Officers are responsible for enforcing this by-law.

SECTION 4 PROPERTY STANDARDS COMMITTEE

4.1 For the purpose of this by-law, there is hereby established a Property Standards Committee which shall be composed of not fewer than three members, who shall remain in office at the pleasure of Council.

4.2 The Council of the City may appoint members of the Property Standards Committee, to coincide with the term of Council of the City. The members of the Property Standards Committee shall be paid such compensation as the Council may provide, and when a vacancy occurs in the membership of the Property Standards Committee, the vacancy shall forthwith be filled.

4.3 The members of the Property Standards Committee shall select one of themselves to act as chair, who shall preside at all meetings thereof. In case of the absence of the chair, the Property Standards Committee may appoint another member as acting chair.

4.4 A majority of the members of the Property Standards Committee shall constitute a quorum and the Property Standards Committee may adopt its own rules of procedure.

4.5 Any member of the Property Standards Committee may administer oaths.

4.6 The Property Standards Committee shall appoint a secretary who shall keep on file minutes and records of all applications and the decisions thereon, and all other official business of the Property Standards Committee, and Section 253 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, applies with necessary modifications to such documents.

4.7 The Property Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such person(s) as the Property Standards Committee considers advisable.

4.8 An owner who appeals an order shall pay the fee as outlined in the City of Windsor User Fee Schedule, as passed and amended by Council, from time to time, at the time the appeal is filed.

SECTION 5 STANDARDS

5.1 The standards for the maintenance and occupancy of property set out in this by-law, are adopted as the minimum standards for all property within the City.

5.2 STANDARDS FOR ALL PROPERTIES

5.2.1 Maintain Safe and Sanitary Condition

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with this by-law.

5.2.2 Tenant/Occupant Requirements for Floor, Wall, Ceiling & Fixtures

Every owner or occupant of a property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and safe condition.

5.2.3 Storage of Garbage, Refuse, Appliances or Furniture in a Means of Egress

Accumulations or storage of garbage, refuse, appliances or furniture by either the occupant or owner in a means of egress shall not be permitted.

5.2.4 Structural

Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to the use and occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.

5.2.5 Structural Engineer's Report

Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of the building or part thereof, the Officer may order that a building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owner's expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the Officer.

5.2.6 **Foundations**

In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended to a depth of 1,070 mm below finish grade, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.

5.2.7 **Exterior Walls**

All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects. Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

5.2.8 **Exterior Doors & Windows**

Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be i) reglazing, or refitting with panes of transparent glass; or ii) the use of other materials which are compatible in finish and colour with the remainder of the facade of the building on which the broken window is located, provided such other material are of an appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building. Replace defective, damaged or missing hardware and locking devices: sash controls.

5.2.9 **Stairs, Porches, Landings, Loading docks, Balconies, Canopies, Awnings, Fire Escapes**

All stairs, porches, landings, loading docks, balconies, canopies, awnings, fire escapes together with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

5.2.10 **Required Handrails or Guards at Stairs**

A handrail or guard shall be provided and maintained in good repair as follows:

i. at least one side of stairs less than 1 100 mm in width;

ii. two sides of stairs 1 100 mm in width or greater;

iii. two sides of a curved stair used as an exit;

iv. handrails are not required for stairs

(i) within dwelling units having not more than 2 risers; or

(ii) for exterior stairs having not more than 3 risers and serving not more than one dwelling unit.

v. only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one dwelling unit;

vi. except as required in (b) & (c), one handrail may be provided centrally for stairs up to 2.4 m wide; and

vii. handrails shall have a maximum uniform height of 920 mm when measured vertically from a line drawn through the outside of the stair nosing and minimum uniform height of 800 mm.

5.2.11 **Height of Guards**

A guard shall be installed and maintained in good repair as follows:

(a) Except for the edges of the floor pits in repair garages and loading docks, every surface to which access is provided for other than maintenance purposes, including but not limited to exterior lands, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, shall be protected by a guard having a minimum height of 900 mm on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 600 mm. Except that a guard of 710 mm minimum height is acceptable for exterior porches, decks and balconies where the vertical drop from the open side exceeds 600 mm but does not exceed 1 800 mm.

(b) Every exterior stair with more than 6 risers and every ramp shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 600 mm.

(c) When an interior stair has more than 2 risers, the side of the stair and the landing or floor level around the stairwell shall be enclosed by walls, or be protected by guards, except that a stair to an unfinished basement in a dwelling unit is permitted to have 1 unprotected side.

5.2.12 **Openings in Guards**

Guard – Openings

Guards for residential occupancies shall have no openings which would permit the passage of a spherical object having a diameter of 100 mm unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard.

Guards – Not to Facilitate Climbing

Guards around exterior balconies, porches and decks of buildings of residential occupancy shall be constructed and maintained not to facilitate climbing.

5.2.13 **Stair Requirements**

Stairs

(a) Stairs – Interior – Single Unit Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed the following unless existing acceptable to the Officer:

(i) Maximum rise 210 mm
(ii) Minimum tread 230 mm
(iii) Minimum run 200 mm
(iv) If run is less than 240 mm, a 25 mm nosing is required

(b) Stairs – Residential – Not Within

(i) Maximum rise 210 mm
(ii) Minimum tread 240 mm
(iii) Minimum run 212 mm
(iv) If run is less than 240 mm, a 25 mm nosing is required

(b) Stairs – Non-residential

(i) Rise minimum 125 mm, maximum 200 mm
(ii) Minimum run of 230 mm, must be uniform
(iii) If run is less than 240 mm, a 25 mm nosing is required
(iv) Existing winders of not more than 3 in 90 degrees and not more than 1 set between floors are permitted and where each tread is not less than 30 degrees and each tread is not greater than 45

(c) Stairs – Service Rooms – curved/spiral

Stairs may exceed the requirements in 1.13 (c) if serving only service rooms, service spaces and other rooms unused in industrial occupancies serving equipment and machinery, or existing curved and spiral stairs in dwelling units acceptable to the officer.

5.2.14 **Roofs, Chimneys, Fascia, Soffit, Antennas, Solar Panels**

All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panel and supports, and other roof structures shall be maintained in good repair, watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects.

5.2.15 **Eaves Troughs**

Water runoff from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging directly to grade with an appropriate extension away from the building to prevent flooding, erosion and other nuisance to neighboring properties. Discharge into the municipal storm system may be permitted if approved or authorized by the City Engineer or his/her designate.

5.2.16 **Storm Water Management and Rear Yard Drain Maintenance**

Property owners must ensure the effective operation and maintenance of their rear yard drains and storm water management systems as designed, thereby protecting their property and the surrounding environment.

5.2.17 **Ventilation Systems**

All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order.

5.2.18 **Chimneys, Prefabricated Chimneys & Vents**

Every chimney, prefabricated chimney, smoke pipe, flue and gas vent in use or available for use in a building shall:

(a) be of a type listed for the appliance for which it is being used, properly secured, free from fire hazards and unsafe conditions;

(b) be maintained so as to prevent the escape of combustion gases into the building;

(c) be adequately supported as to maintain proper alignment;

(d) be kept clear of obstructions;

(e) be sealed at all joints or tightly sealed; and

(f) all deteriorated and/or loose masonry shall be repaired.

5.2.19 **Fuel Burning Heating Equipment**

All fuel burning heating equipment shall:

(a) be connected to a chimney or flue, which vents to the exterior of the building;

(b) be furnished with an adequate supply of combustion air to ensure proper combustion of the appliance; and

(c) be maintained in a good state of repair and in a safe operating condition.

5.2.20 **Water Supply Premise Isolation**

All water supply cross connection devices specifically designated as "Premise isolation" or other testable devices located on the property shall be tested annually by a licensed tester at the expense of the owner or agent of the owner in accordance with the most recent edition of the CSA STANDARD listed in the Ontario Building Code for selection and installation of backflow preventers, proof of testing shall be provided upon request by the Officer.

5.2.21 **Sewage Discharge**

All sewage shall be discharged directly into the municipal sewage system where one is available. Where a municipal sewage system is not available, an alternate means of disposal, acceptable to the Officer, shall be used and maintained in good repair. The

maintenance of a private sewage system shall include i) septic tanks ii) leaching beds iii) dry wells.

5.2.22 **Maintenance of Private Sewer Connections**

All private sewer connections must be maintained free from blockages, collapse or unacceptable conditions.

5.2.23 **Sewers: Properties Services By**

A property shall be deemed to be serviced by an available City sewer system if the sewer system is within 30.0 metres of any said property abutting municipal rights-of-way. In the event a City sewer system becomes available, the property owner will have one (1) year to connect to the available sewer and decommission the private sewage system per section 5.2.25. The availability of the sewer will be determined by the City Engineer.

5.2.24 **Backwater Valves**

Backwater valves installed on building drains must be maintained to provide an effective barrier to municipal backups.

5.2.25 **Decommissioning of Private Sewage System**

To decommission, septic tanks, treatment units, leaching beds or dry wells they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be submitted to the Officer. The tanks treatment units or dry wells shall be disposed of to the satisfaction of the Officer, cavities shall be filled with sand or other suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

5.2.26 **Damaged Vacant Building**

A vacant building or structure damaged by fire, storm or other causes, shall be repaired to its original condition or demolished within 182 days of the issuance of an Order.

Until the necessary repair or demolition can be undertaken, the building or structure shall be supported and barricaded to avoid unauthorized entry, prevent fire hazards and prevent unsafe conditions.

5.2.27 **Damaged Building**

Every building damaged by fire, storm, or other unintended causes until repairs have been completed shall effectively:

(a) be protected against the further risk of fire, or unsafe conditions;

(b) be secured to prevent the entrance thereto of unauthorized persons; and

(c) have the exterior building envelope sealed with an appropriate material to protect the interior from rain, snow or other environmental elements that would cause the building to further deteriorate.

5.2.28 **Materials Used to Board Buildings**

All materials used to board vacant buildings damaged by fire, storm, or other unintended causes, shall be tight fitted plywood, composite panels or wood boards painted with an exterior grade paint so that the colour compliments the building's exterior elements and is acceptable to the Officer.

5.2.29 **Demolition of a Building**

Where a building or structure is demolished:

(a) the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and leveled condition;

(b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings and foundations shall be removed unless authorized and described on the demolition permit by the Chief Building Official;

(c) only clean, inert, native material or granular material approved by the Chief Building Official shall be used as backfill;

(d) building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill material;

(e) building services such as gas, electrical and water lines, sewer lines, and other such services, shall be properly abandoned per the City Engineer's best engineering practice standards and the authority having jurisdiction; and

(f) the site shall be properly graded, grass seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain onto adjoining properties.

5.2.30 **Demolition of Part of a Building**

Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be finished with a parge coat of cementitious mortar or otherwise treated with a protective coating to prevent the entry of water into the building and to present a neat and uniform appearance, in the opinion of the Officer, free from the outlines of partitions, stairs, doors, floors, signs and from areas of multi-coloured paint or wallpaper.

5.2.31 **Yard Rubbish, Debris**

All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire hazard or unsafe conditions.

5.2.32 **Buffering and Screening Garbage Containers**

Where commercial, industrial or multi-residential on site garbage containers are visible from a residential property or from a public street, the area where the receptacles are being stored shall be buffered and screened from adjoining or nearby residential properties or public areas so as to minimize the effect of the nuisance in accordance with applicable municipal by-laws.

Without limiting the generality of the foregoing, such buffering and screening shall be acceptable to the Officer, and shall include the provision and maintenance of an effective system to cover, contain, screen and facilitate the collection and removal of waste materials and debris.

5.2.33 **Lighting & Walkways-Multiple Dwellings and Non-Residential**

Regarding yard conditions:

(a) In yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways;

(b) All exterior lighting standards and fixtures shall be kept in a safe condition, in working order, in good visual condition and must be compliant with the City's lighting by-law; and

(c) Walkways shall be maintained, resurfaced or re-graded as necessary to ensure a reasonably smooth, slip free and safe surface for pedestrian traffic.

5.2.34 **Water From Downspouts and Sumps**

The storm water run-off from all downspouts, sump pump discharges or impervious surfaces shall be designed and maintained so as to discharge water run-off away from the building and to prevent flooding, erosion and other nuisance to neighboring properties.

5.2.35 **Retaining Walls**

Retaining walls, signs and all structures appurtenant to a property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.

5.2.36 **Sound Barriers**

Existing barriers and berms required for sound attenuation and train safety shall be maintained safe, plumb, unless designed otherwise and structurally sound.

5.2.37 **Parking Areas**

All parking areas shall be:

(a) entirely paved and maintained with a hard surface consisting of concrete, asphalt, paving brick or block or similar material acceptable to the City Clerk that is free from excessive cracks, pot holes, and delaminating;

(b) provided with an internal drainage system satisfactory to the Officer, which discharges into the municipal storm system as approved by the City Engineer's Office;

(c) provided with a minimum 150 mm in height curbs or curb stops secured to minimize the risk of vehicles damaging fences, lamp standards and other structures, and to restrict access to untraveled portions of City rights-of-way;

(d) provided with sufficient full-cut off lighting compliant with City's LISS Council Resolution 228/2005; and,

(e) provided with visible markings and islands, to indicate parking spaces, ingress and egress routes.

Note: Parking areas using 'Low Impact Design' (*LID)* criteria that have been approved and constructed pursuant to the City's Site Plan Control by-law are exempt from section 5.2.37.

5.2.38 **Fire & Suppression Systems**

Fire detection systems, fire alarm systems, standpipe and sprinkler systems, where required, shall be maintained in working condition and records for the routine testing and maintenance of these systems shall be readily available for the Officer's review upon demand.

5.2.39 **Fire Separations**

The integrity of all required fire separations and associated smoke seals and fire stopping systems shall be maintained.

5.2.40 **Elevators, Hoists, Lifts, Moving Walkways & Escalators**

Elevators, hoists, lifts, moving walkways and escalators shall be maintained in working order and in accordance with the requirements of the TSS Act, 2000, S.O., 2000, c 16 as amended from time to time, and any regulations made there under. Including lighting fixtures, elevator buttons, floor indicators and ventilation fans. Routine testing and maintenance records of these systems shall be readily available for the Officer's review upon demand. Repair of inoperable elevators shall be done as expeditiously as possible.

5.2.41 **Refuse Chute System**

Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if facilities are readily accessible to occupants. Refuse chute systems, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and repair.

5.2.42 **Parking Garage & Parking Structures Requirements**

Parking garages and parking structures shall be:

(a) maintained in a clean, structurally sound, free from defects and safe condition;

(b) adequately ventilated at all times to provide (3.8L/s/m^2) of floor area minimum if ventilated by mechanical means unless the system is controlled by a Carbon Monoxide detection system;

(c) the ventilation systems referenced in sentence (b) shall be maintained in proper working order, free from defects;

(d) where the officer has doubts to the effectiveness of the ventilation and/or carbon monoxide detection system, can at the owners expense order testing to confirm compliance with sentence (b);

(e) adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux at floor level over the entire floor area with a minimum level of 11 lux at any location on the floor;

(f) equipped with wire screens or other suitable means of protection for lighting fixtures, so as to prevent accidental or malicious damage; and

(g) shall be provided with an effective fire separation and barrier to the passage of gas and exhaust fumes from any part of the parking garage into any other part of the building used or intended to be used for human occupancy.

5.2.43 **Barrier-free Buildings**

All existing barrier-free requirements shall be maintained in existing buildings required to be barrier-free.

5.2.44 **Barrier Free Buildings - Types of Classes**

The following types of classes of buildings and structures shall be upgraded to provide barrier free access at the principal entrance to the following buildings:

(a) medical and dental facilities with more than one (1) doctor;

(b) places of public assembly occupancy including schools, colleges, universities and places of instruction/training;

(c) banks and other financial institutions;

(d) restaurants with more than 60 seats;

(e) rest homes and lodging homes; and

(f) commercial occupancies including retail stores and offices, but limited to those that are more than three storeys in height or more than six hundred square meters in floor area.

5.2.45 **Barrier Free Requirement Do Not Exceed the Standards**

Barrier free requirements shall not be required to exceed the standards contained in the Ontario Building Code.

5.2.46 **Accessibility to persons with Disabilities**

A requirement of Section 5.2.44 and 5.2.45 shall be deemed to be complied with if, in the opinion of the Officer, the building will provide accessibility to persons with disabilities, taking into consideration physical limitations in the design of the building that may make some upgrading impractical.

5.2.47 **Rodents, Vermin, Termites, Injurious Insects & Other Pests**

Every dwelling property owner, and every occupant in that part of a property that he or she controls, shall maintain the property free from rodents, vermin, termites, injurious insects and other pests, and from conditions which might encourage infestation by such pests. Methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.

5.2.48 **Means of Egress/Exit**

Means of egress(s):

(a) Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level;

(b) Except as provided in sentence (c), every dwelling, containing dwelling units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level;

(c) A second means of egress shall not be required from any dwelling unit having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level; and

(d) A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.

5.2.49 **Equipment**

All equipment, components and supplies or replacement equipment, components and supplies must be Canadian Standards Association approved or otherwise listed in a manner consistent with the Ontario Building Code as amended or other authority having jurisdiction.

5.2.50 **Building Used as Illegal Marijuana Grow Operations**

Buildings identified by police services as illegal marijuana grow operations will require the following:

(a) Mould Air Quality Report- at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer;

(b) Structural Report - where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may require compliance with section of 5.2.5 this by-law; and

(c) Electrical Report - where an Officer has reason to believe the building electrical system may pose an unsafe condition, may require at the owners expense the submission of an Electrical Safety Authority Clearance Certificate to the Officer.

5.3 STANDARDS FOR NON-RESIDENTIAL PROPERTIES

5.3.1 Maintain Safe & Sanitary Conditions

Every owner or occupant of a property shall maintain the property or part thereof they occupy or control as follows:

(a) in a clean, sanitary and safe condition, free from litter, garbage and debris, including such litter and garbage as may be left by customers or other members of the general public, and shall provide containers for the disposal of such litter or garbage; and

(b) free from objects or conditions which create fire hazard or unsafe conditions.

5.3.2 Ventilation

All non-residential properties shall be adequately ventilated by natural or mechanical means on a continuous basis, in a safe and working order and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety as described in the current edition of the American National Standards Institute/American Society of Heating. Refrigerating and Air Conditioning Engineers. (ASHRAE) Standard 62.1.

5.3.3 Lighting

In all parts of a non-residential building, a minimum level of illumination of 50 lux shall be provided and maintained which will adequately protect all persons within the building from unsafe conditions.

5.3.4 Heating Systems

All non-residential buildings, or parts thereof, normally heated, shall be provided with a heating system maintained in a safe and working order, free from unsafe conditions or fire hazards and capable of supplying sufficient heat to maintain a minimum indoor temperature of 18° C during hours of occupancy.

5.3.5 Boiler Space Heating

Boiler space heating shall be provided with backflow prevention and annually tested in compliance with the most current CAN/CSA Standard "Manual for the Selection and Installation of Backflow Prevention Devices" listed in the Ontario Building Code. Test reports shall be provided to an Inspector upon request

5.3.6 Plumbing Systems, Fixtures & Appliances

Plumbing systems, fixtures and appliances in all non-residential buildings shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects.

5.3.7 **Grease Interceptors**

Where food is cooked processed or prepared for the pubic, all plumbing fixtures located in the wash-down area shall discharge through a grease interceptor which is maintained in accordance with the most current edition of CAN/CSA Standard "Maintenance of Grease Interceptors" listed in the Ontario Building Code.

5.3.8 **Interceptors (Grease & Oil)**

Interceptors shall be professionally designed, installed and maintained in accordance with the manufacture's design and maintenance guidelines or a recognized industry standard.

5.3.9 **Fume/Gas Separations**

In a building used in part for residential purposes, and in part for non-residential purposes, wherein noxious fumes, or gases are, or could be, present, all separations between the non-residential portion and the residential portion shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, or gases through the separation.

5.4 **STANDARDS FOR RESIDENTIAL PROPERTIES**

5.4.1 **Cabinet, Cupboard, Shelf & Counter Top Condition**

Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

5.4.2 **Interior Cladding of Walls & Ceilings-Mould Air Quality Report**

Interior claddings of every wall and ceiling shall be maintained so as to be free of large holes, cracks, leaks, deteriorating material, visible mould and-mildew, and loose material.

5.4.3 **Water Penetration Related to Mould**

Water penetration related to mould- Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed. Mould Air Quality Report- If in the opinion of the Property Standards Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide, at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, detailing mould spore samples and related air quality. The owner will undertake the appropriate remediation outlined in the report. The owner will also provide a follow-up report, at their own expense, which confirms that air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Property Standards Officer.

5.4.4 **Floors & Finished Flooring**

Floors and finished flooring (including carpeting) shall be maintained in a structurally sound condition and be free from of visible mould and-mildew, holes, cracks or other defects which may cause an unsafe condition or trip hazard.

5.4.5 **Window & Door Panel Maintenance**

Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of being opened from the inside without the use of specialized tools and maintained in good repair. All materials referred to in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection.

5.4.6 **Heating System**

Every dwelling and every dwelling unit shall be provided with a heating system maintained in a good state of repair and in safe operating condition capable of maintaining "adequate and suitable heat" specified in the City of Windsor Vital Services by-law. Room temperature shall be determined at any point in the room, for the purposes of this by-law "adequate and suitable" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 22 °C. All common areas or internal entrance ways in a multiple dwelling shall be provided with heating systems capable of maintaining a minimum temperature of not less than 18 °C.

5.4.7 **Heating Systems, Stoves, heating Appliances, Fireplaces, Chimneys, Pumps & Filtration Equipment**

Heating systems, including stoves, heating appliances, fireplaces, chimneys, fans, pumps and filtration equipment shall be maintained in a good state of repair and in a safely operable condition.

5.4.8 **Portable Heating Equipment**

No dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

5.4.9 **Approved Heating Equipment**

Only heating equipment approved for use by a recognized standard testing authority shall be provided in a room used or intended for use for sleeping purposes.

5.4.10 **Parking Garage – Noxious Fumes**

Every parking/storage garage serving a residential use shall be provided with a fire separation (if required) and an effective barrier to the passage of gas and exhaust fumes from any part of the parking/storage garage into any other part of a dwelling unit or multiple dwelling used or intended to be used for human occupancy inclusive of doors between a parking garage and remainder of the building.

5.4.11 Bathroom Facilities & Personal Privacy

Unless specifically exempted under other governmental regulations, every dwelling and dwelling unit shall be provided with at least a water closet (toilet), a wash basin, a bath tub or shower, and a kitchen sink, all of which shall be maintained in good working order, free from cross-contamination potential, and free from leaks and defects. The water closet, wash basin, bath tub and/or shower shall be located within, and be accessible from within, the dwelling or dwelling unit and shall be located and equipped to afford privacy, secured from the inside and can be opened from outside the room in an emergency.

5.4.12 Location of Toilet/Urinal

No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

5.4.13 Hot/Cold Running Water

Hot water at a temperature of at least 43 °C , and cold running water shall be provided in a capacity that will produce a flow in the fixture that will flush the fixture and keep it in a sanitary condition.

5.4.14 Plumbing, Including Drains, Water Supply Pipes, Water Closets and Other Plumbing Fixtures

All plumbing, including drains, water supply pipes inside a building and outside a building, water closets, back water valves, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

5.4.15 Electrical Supply & Wiring

Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use and intended use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:

(a) In compliance with the respective requirements of the Electrical Safety Code and Building Code;

(b) In good working order and good repair; and

(c) In a safe condition.

5.4.16 Voice Communication Section

In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.

5.4.17 **Artificial Light**

Adequate artificial light shall be available at all times, in all habitable rooms, common areas, means of egress, exits and corridors.

5.4.18 **Windows & Window Lighting**

Every habitable room in a dwelling, except a kitchen, shall maintain an outside window or windows which shall be maintained in good repair, and which shall have a total light transmitting area of not less than five per cent (5%) of the floor area of the room for bedrooms, and not less than ten per cent (10%) of the floor area for all other habitable rooms.

5.4.19 **Window ventilation**

Every habitable room in a dwelling shall contain windows that are capable of being opened from the inside or vents providing a minimum unobstructed ventilation area to the outdoors of 0.14 square metres per occupant for sleeping areas, and a minimum of 0.28 square metres per occupant for all other habitable rooms. Every bathroom or water closet room shall contain windows capable of being opened from the inside, or vents, providing a minimum unobstructed ventilation area to the outdoors of 0.09 square metres; and every unfinished basement or cellar area shall contain said windows or vents providing a minimum unobstructed ventilation area to the outdoors equal to 0.2 per cent (0.2%) of the floor area.

5.4.20 **Ventilation (Mechanical)**

In lieu of the natural ventilation required by section 5.4.19, acceptable mechanical ventilation directly to the exterior shall be permissible. The system shall be capable of providing at least one (1) air change per hour for the room being served.

5.4.21 **Window Guards**

Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a safety mechanism that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter sphere. Such safety devices shall offer protection to the height of at least 1.07 m above the floor but shall not prevent the windows from being fully opened by an adult without the use of tools during an emergency.

5.4.22 **Ventilation in Laundry Room, Garbage Room, Boiler Room**

In dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated, and where a system of mechanical ventilation is used it shall be maintained in good working condition.

5.4.23 **Maximum Person Residing in a Dwelling**

The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres of habitable room floor area.

5.4.24 **Minimum Floor Area for Sleeping**

A room used for sleeping purposes shall have a minimum floor area of 6 square metres and shall not be occupied by more than 1 person for each 4 square metres of floor area thereof.

5.4.25 **Ceiling Height for Habitable Rooms – Dwelling Unit**

(a) Minimum room height shall not be less than 1950 mm over the required floor area and in any location that would normally be used as a *means of egress;* or

(b) Minimum room height shall not be less than 2010 mm over at least 50% for the required floor area, provided that the floor having a clear height of less than 1400 mm shall not be considered in computing the required floor area.

(c) Minimum clear heights under beams and ducting shall be not less than 1850mm

(d) Sentence (a) or (c) shall be contiguous with the entry or entries to those rooms or spaces.

5.4.26 **Basement Requirements – Used as a Dwelling**

No basement or portion thereof shall be used as a dwelling unit or habitable rooms of a dwelling unit, unless it meets the following requirements:

(a) Basement ceiling heights comply with the requirements of section 5.4.25;

(b) Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;

(c) In the calculations referred to in Section 5.4.18 provided that one-half of the total area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations;

(d) The minimum required unobstructed ventilation area to the outdoors shall not be limited to the requirements of Section 5.4.19, if, in the opinion of the Officer, the location of windows that are capable of being opened or vents, providing such ventilation, is such as to create a poorly and inadequately ventilated room;

(e) Except where a door on the same level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with:

i) At least one window that can be opened from the inside without the use of tools; and

ii) At least one window shall, in every bedroom, provide an unobstructed open portion having a minimum area of .35 m2 with no dimension less than 380 mm.

(f) Each habitable room shall be separated from service rooms by a suitable fire separation in compliance with Ontario Building Code Regulations.

5.4.27 **Smoke Alarms**

Every dwelling unit shall be equipped with an approved smoke alarm(s) conforming to the current edition of the OBC regulations that shall be:

(a) Installed on every floor level in proximity of bedrooms and in conformance with the manufacturers' instructions or recommendations for installation;

(b) Clearly audible within sleeping areas even though the doors to the sleeping areas may be closed;

(c) Either wired directly into the electrical system without a disconnect switch, or be battery powered. Sufficient additional replacement batteries shall be maintained nearby at all times as replacements for the smoke alarm, should it be battery powered so that at any given time such smoke alarm may have its battery or batteries replaced as warranted in order to keep it fully operational; and

(d) Continuously operating, except during periods of unavoidable electrical power interruption or battery replacement, as the case may be.

5.4.28 **Carbon Monoxide Detectors**

Every dwelling unit that has fuel burning appliances, solid fuel burning appliances, or is attached to a storage garage, shall be equipped with a carbon monoxide detector conforming with the most current edition of CAN/CSA and US UL Standard as listed in the current Ontario Building Code regulations and shall be:

(a) Installed in conformance with Sentence (c) where a solid fuel-fired combustion appliance exists;

(b) Installed on or near the ceiling in each room in which there is installed a solid fuel-burning appliance;

(c) Permanently connected to an electrical circuit, and

i) shall have no disconnect switch between the over-current device and the carbon monoxide detector where practical;

ii) be wired so that its activation will activate all carbon monoxide detectors within the suite, where located within a suite of residential occupancy; and

iii) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area.

(d) Plug-in types of detectors plugged into a duplex receptacle near the floor level are acceptable in locations where there may be a hardship complying with (a), (b) and (c) outlined above.

5.4.29 **Duct Type Smoke Detector**

Where there is more than one dwelling unit within a building that share one force air furnace, a duct type smoke detector shall be installed and maintained.

5.5 STANDARDS FOR VACANT PROPERTIES

5.5.1 General

In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a vacant building, shall:

(a) Ensure that all utilities serving a building damaged by fire or storm, which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining property;

(b) Ensure all utilities serving a vacant building that is not damaged by fire or storm be connected to public utilities to ensure building HVAC and electrical systems are operational and in use to protect the building from deterioration;

(c) Ensure all fire protection and life safety systems serving a vacant building that is not damaged by fire or storm shall be maintained and operational per applicable standard(s);

(d) The boarding of building openings not damaged by fire, storm or other catastrophic event is prohibited; and

(e) Ensure that the property is kept free of rodents, vermin and other harmful pests and any conditions that would allow such pests to harbour in or about the building.

5.5.2 Additional Requirements for Vacant Non-Residential Buildings

The owner of every non-residential vacant building shall keep the property free of conditions that promote the infestation of birds.

5.5.3 Additional Requirements for Vacant Residential Buildings

Despite any other provision of this by-law, where in the opinion of the Officer a vacant residential property can be repaired, the building shall be repaired:

(a) As soon as is possible in a manner consistent with other parts of this by-law; and

(b) Maintained in a manner so as not to become, in the opinion of the Officer, a public nuisance.

5.5.4 Clearing and Leveling of Vacant Residential Buildings

Despite any other provision of this by-law an Officer may issue an order directing the owner to demolish a derelict or vacant residential building.

5.5.5 Clearing and Leveling of Vacant Non-Residential Buildings

Despite any other provision of this by-law an Officer may issue an order directing the owner to demolish a derelict or vacant non-residential building.

5.6 STANDARDS FOR HERITAGE PROPERTIES

5.6.1 General

In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this chapter, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:

(a) Maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure;

(b) Maintain the property in a manner that will ensure the protection and preservation of the heritage values and attributes; and

(c) Obtain a heritage permit from Council or where applicable Council's designate prior to performing work or causing work to be performed under this section of the by-law.

5.6.2 Repair of Heritage Attributes

Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired:

(a) In a manner that minimizes damage to the heritage values and attributes;

(b) In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;

(c) Using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and

(d) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material, if approved by Council or where applicable their designate.

5.6.3 Replacement of Heritage Attributes

Despite any other provision in this by-law, where a heritage attribute of a Part IV or V Heritage Property cannot be repaired, the heritage attribute shall be replaced:

(a) In such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the heritage attribute, using the same types of materials as the original; and

(b) Where the same of materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original materials may be used, if approved by Council or where applicable their designate.

5.6.4 **Alteration or Demolition of Heritage Properties**

Despite any other provision of this by-law or the Act, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the *Ontario Heritage Act.*

5.6.5 **Vacant Heritage Properties**

Notwithstanding provisions for vacant buildings under this by-law:

(a) Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes.

(b) The owner of a vacant Part IV or Part V Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or other damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building in the following manner:

(i) all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;

(ii) all boards shall be fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric, and is reversible;

(iii) all boards shall be painted in a manner to reflect panes of glass, frames and mullions that were to be found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and mullions shall be painted in a colour that of the original opening;

(iv) all boards used for boarding and securing openings not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.

(v) minimizing visual impact; and

(vi) no window, door or other opening on a Part IV heritage property or Part V heritage property shall be secured by brick or masonry units held in place by mortar unless a Heritage Alteration Permit is granted.

SECTION 6 CERTIFICATE OF COMPLIANCE

6.1 Following the inspection of property, the Officer may, or upon the request of the owner, shall where no building permit was required, issue to the owner a Certificate of Compliance if, in the Officer's opinion, the property is in compliance with the standards set out in this by-law.

6.2 Where the owner has made a written request for a Certificate of Compliance, all fees associated with the Order pursuant to the City of Windsor User Fees Schedule shall be paid prior to the issuance of the Certificate.

SECTION 7 PERMITS, AND ADMINISTRATION FEES

7.1 Where an Order to Repair is issued pursuant to this by-law, a fee will be assessed to the registered owners in accordance with the City of Windsor User Fee Schedule.

7.2 Every property owner who is issued an Order to Repair pursuant to this by-law shall obtain a building permit unless exempted in writing by the Chief Building Official.

SECTION 8 COMPLIANCE

8.1 All owners or occupants of property shall comply with the standards set out in this by-law and any Order to Repair that is final and binding.

8.2 All owners of property within the municipality that does not conform with the standards contained in this by-law shall repair and maintain such property to conform with the standards or clear the site of all buildings, structures, debris or refuse and leave the property in a graded and leveled condition, except where a demolition permit has been issued and remains in effect.

8.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer.

8.4 All new construction or repairs shall conform to the most current addition of the Ontario Building Code and any other applicable legislation.

8.5 No person shall occupy any property if there are conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

SECTION 9 ENFORCEMENT AND PENALTY

9.1 An owner or occupant who fails to comply with an Order is guilty of an offence under Section 36(1) of the Building Code Act, and is liable to a penalty or penalties as set out in Section 36 of the Building Code *Act*.

SECTION 10 VALIDITY AND SEVERABILITY

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

10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 11 REPEAL AND TRANSITION

11.1 Except as provided by Section 11.2 hereof, By-law Number 148-2025 and all amendments thereto are hereby repealed.

11.2 Notwithstanding Section 11.1 hereof, the provisions of By-law Number 148-2025, shall continue to apply to any properties in respect of which an Order has been issued under the said by-law until such Order has been concluded.

SECTION 12 EFFECTIVE DATE

12.1 This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

By signing this by-law on September 28, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – September 28, 2026
Second Reading – September 28, 2026
Third Reading – September 28, 2026