

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 56-77TO PRESCRIBE STANDARDS FOR THE MAINTENANCE
AND OCCUPANCY OF PROPERTY.

WHEREAS the Council of the Corporation of the City of North Bay is empowered under Section 36 of The Planning Act, R.S.O. 1970, and amendments thereto to pass a by-law for, inter alia, prescribing standards for the maintenance and occupancy of property within the Municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared;

AND WHEREAS there is in effect in the City of North Bay an Official Plan that includes provisions relating to housing and property conditions:

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

SHORT TITLE:

1. This By-law may be cited as "The Property Standards By-law" of the City of North Bay.

DEFINITIONS:

2. In this By-law
 - 2.1 "Accessory Building" - means a detached subordinate building on the same lot as the main building.
 - 2.2. "Balustrade" - means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.
 - 2.3 "Bathroom"- means a room containing a bathtub or shower with or without a water closet and basin.
 - 2.4 "Building" - means any structure used or intended to be used or capable of being used for the support or shelter of any use or occupancy.
 - 2.5 "Building Code" - means the Ontario Building Code Act 1974 and the Regulations passed under Section 5 and Section 18 of The Building Code Act, as amended.
 - 2.6 "Committee" - means the Property Standards Committee established pursuant to the provisions of this By-law.
 - 2.7 "Corporation" - means the Corporation of the City of North Bay.
 - 2.8 " Dwelling" - means a building or structure or part of a building or structure which is, or is intended to be used or has been used for the purpose of human habitation, and includes a building that would be used or would be intended to be used for such purposes, except for its state of disrepair, and shall include every building on a residential property other than an accessory building.

- 2.9 "Dwelling Unit" - means one (1) or more rooms connected together as a separate unit in the same dwelling and constituting an independent housekeeping unit, for residential occupancy by humans with facilities for persons to sleep and cook.
- 2.9.1 "Fire Resistance Rating" - means time in hours or parts thereof that an element or assembly of material will withstand fire exposure, as determined in a fire test made in conformity with recognized standards, or as determined by extension or interpretation of information derived therefrom.
- 2.9.2 "Fire Separation" - means a barrier against the spread of fire and smoke having a fire resistance rating as required, and having all openings protected with approved fire doors.
- 2.9.3 "Recognized Standards" in Paragraph 2.9.1 and where used elsewhere shall mean a standard equal to standards as set forth by the Building Code.
- 2.10 "Habitable Room" - means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.
- 2.11 "Last Known Address" - means the address which appears on the assessment rolls of the Corporation.
- 2.12 "Medical Officer of Health" - means the Medical Officer of Health for the North Bay & District Health Unit.
- 2.13 "Multiple Dwelling" - means a building containing three (3) or more dwelling units, or five (5) or more rooming units, or a combination of dwelling units and rooming units totalling five (5) or more.
- 2.14 "Mixed Use Building" - means a building containing dwelling units and other uses not accessory to the dwelling units.
- 2.15 "Non-Habitable Room" - means any room in a dwelling or dwelling unit other than a habitable room, and includes bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space used for service or maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 2.16 "Occupant" - means any person over the age of eighteen (18) years in possession of the property.
- 2.17 "Officer" - means the Chief Property Standards Officer of the Corporation, or a Property Standards Officer of the Corporation duly appointed by a by-law of the Corporation to administer and enforce the provisions of this by-law.
- 2.18 "Owner" - includes 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 his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include 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 for maintenance and occupancy of property.
- 2.19 "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, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, and is divided into:
- (a) "Non Residential Property" - means property which is not occupied or capable of being occupied in whole or in part for the purpose of human habitation,
- (b) "Residential Property" - means property which is occupied

or capable of being occupied in whole or in part for the purposes of human habitation and is hereinbefore and hereinafter referred to as a dwelling, and

(c) "Vacant Land" - means property on which there are no structures of any kind.

- 2.20 "Repair" - includes the provisions of such facilities and the making of additions or alterations or the taking of such action as may be required so that the residential property shall conform to the standards prescribed in the By-law and "repairs" and "repaired" have a corresponding meaning.
- 2.21 "Rooming Unit"- means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to a person for gain.
- 2.22 "Sewerage System" - means the sanitary sewerage system or storm sewerage system of the City of North Bay or a private sewage disposal system approved by the Medical Officer of Health.
- 2.23 "Standards" - means the standards prescribed in this By-law.
- 2.24 "Toilet Room"- means a room containing a water closet.
- 2.25 "Vehicle" - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 2.25 "Water Systems" - means the system for supply of water from the Pumping Station and Reservoirs managed and operated by the City of North Bay, or from a private water supply approved by the Medical Officer of Health.
- 2.27 "Yard" - means the land other than publicly owned land around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.
- 2.28 "Exit" - means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to a public thoroughfare or to an approved open space.
- 2.29 "Exit, Access to" - means that part of a means of egress within a floor area that provides access to an exit serving the floor area.
- 2.30 "Public Corridor" - means a corridor that provides access to exit from individually rented rooms, suites of rooms or dwelling units.

PROPERTY STANDARDS:

3. Exterior Structure

- 3.1 In every building the exterior walls shall be sound, plumb and tight.
- 3.2 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 additional weight that may be put on it through normal use.
- 3.3 (a) Every building shall have a sound tight roof, adequate to carry the loads imposed thereon.

- (b) The roof of every building shall be maintained in a watertight condition so as to prevent leakage of water into the building.
- (c) The roofs of all buildings intended for human occupation shall be equipped with suitable drains or eavestroughs and rain water leaders or conductors, which shall be connected to a sewage system, except that where the absence of such drains, eavestroughs, rain water leaders, conductors or connections does not create a risk of damage to the building or structure or a risk of accident to the occupants and general public, the same shall not be required.

- 3.4 Every chimney, smoke pipe, and flue of a building shall be maintained so as to prevent any gases from leaking into the building.
- 3.5 All exterior exposed surfaces of a building shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration.
- 3.6 Windows, exterior doors, and cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building, and every window, sash and door shall open and close freely if same is required for ventilation or as an exit.

4. Interior Structure

- 4.1 Every building, unless of concrete slab-on-grade design, shall be upon foundation walls and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, plumb and adequate to carry the loads imposed on them.
- 4.2 In every building all joists, beams, studding and roof rafters shall be of sound material and adequate for the load to which they are subject.
- 4.3 Every cellar shall have a concrete, or other floor, acceptable to the City under the provisions of the Building Code, for purposes of water drainage and to guard against the entry of vermin.
- 4.4 Every cellar floor shall be adequately drained and slopes must not exceed one (1) inch in six (6) feet.
- 4.5
 - (a) Interior walls shall be finished so as to provide a surface which is reasonably smooth, clean, tight and easily cleaned.
 - (b) Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose plaster or other material which is in such a condition that it may collapse or which would permit flame or excessive heat to enter any concealed space.
- 4.6 Every floor in a building, except as hereinafter provided, shall be maintained so as to be reasonably level and smooth and free of loose, warped, protruding, broken or rotted material.
- 4.7 All floor coverings shall be maintained in clean and hazard-free condition and any floor covering which by reason of its dilapidated or deteriorated condition retains dirt, or is hazardous shall be cleaned, repaired or replaced.

4.8 The floor and the walls to the height of three (3) feet above the floor or bathtub of every bathroom, shower room and toilet room shall be so maintained as to be water resistant and readily cleaned.

4.9 Where an aperture such as window-sash, skylight, or louvre is to be used for ventilation, such aperture shall be maintained in proper working condition.

5. Stairs and Ramps

5.1 Every stairway containing three risers or more, and every ramp rising over one (1) foot six (6) inches in height shall be equipped with a safe, sturdy handrail and the open side of every stairway or set of stairs containing three risers or more and the open side or sides of every ramp, balcony, platform, verandah or landing over one (1) foot six (6) inches above the level of the adjacent ground, shall be equipped with a safe, sturdy handrail and balustrade.

5.2 An inside or outside stair and any porch, balcony, platform, verandah, or landing appurtenant to it and any ramp shall be maintained so as to be free from holes, cracks and other defects which may constitute possible accident hazards and all treads, risers, or decking that show excessive wear, or are broken, warped, or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

6. Washrooms and Bathrooms

6.1 Washroom, bathroom and other sanitary conveniences shall be provided for every building or structure having a human occupancy in accordance with the Plumbing Code and the Building Code for each class of occupancy.

6.2 All rooms containing a bathtub, shower or water-closet shall be fully enclosed, equipped with a door capable of being closed or a screen to secure privacy, and shall be located within and shall be accessible from within the dwelling or floor area served.

6.3 Where water-closets are required by this by-law, there shall be a wash basin in the same room as the water-closet or in an adjoining room other than a kitchen.

6.4 No water-closet or urinal shall be located in a room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes.

7. Plumbing, Drains and Sanitary Facilities

7.1 Where required by any Act, Regulation or By-law that sanitary facilities be provided in a building, every such building shall be provided with an adequate supply of potable running water from the mains of the City or from a source approved by the Medical Officer of Health.

7.2 Every required sink, wash basin, bathtub or shower in a building shall have an adequate supply of hot and cold running water and every water-closet shall have an adequate supply of running water.

7.3 Each plumbing fixture shall be connected to the building drain through a water seal trap. Every building shall have all drain, waste and vent piping and all plumbing fixtures connected to a sewage system.

7.4 All plumbing, including every drain pipe, water pipe, water-closet and plumbing fixture in a building, and the building drain and building sewer shall be maintained in good working order, free from leaks and defects and shall be protected from freezing.

8. Ventilation

- 8.1 Every building in human occupancy shall be ventilated by natural or artificial means in compliance with the provisions of the Building Code.
- 8.2 Except as otherwise provided herein, every cellar, unheated crawl space and insulated roof space shall be vented to the outside air by means of openings comprised of either a screened window or windows which can be opened or by a screened louvre or louvres and the total area of such openings where more than one is employed, shall not be less than one (1) percent of the floor area for a cellar, nor less than one (1) square foot per five hundred (500) square feet of floor area for a crawl space and one (1) square foot per three hundred (300) square feet for an insulated roof space.
- 8.3 An opening for natural ventilation may be omitted from the cellar unheated crawl space or roof space where a system of mechanical ventilation has been provided which changes the air once each hour.
- 8.4 Every bathroom or shower room and every room containing a water-closet or urinal shall be provided with either a window of at least one (1) square foot per water-closet, capable of being opened for ventilation or mechanical ventilation.

9. Lighting

Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space, and such lighting equipment shall be capable of illuminating to average levels of at least five foot candelas at floor level all corridors, stairways and ramps and at all points such as angles and intersections and at changes of level in such corridors, stairways and ramps.

10. Electrical Service

- 10.1 Fuses or overload devices shall not exceed limits set by the regulations enacted pursuant to The Power Commission Act, R.S.O. 1970, Chapter 354 and amendments thereto.
- 10.2 Extension cords are not permitted on a permanent basis.
- 10.3 The electrical wiring and all electrical fixtures located or used in a building shall be installed in conformity with the regulations enacted pursuant to The Power Commission Act, R.S.O. 1970, Chapter 354 and amendments thereto.
- 10.4 The electrical wiring, circuits, fuses, circuit-breakers and electrical equipment in a building shall be maintained at all times.
- (a) in compliance with the regulations enacted pursuant to The Power Commission Act, R.S.O. 1970, Chapter 354 and amendments thereto.
 - (b) in good repair and working order, and
 - (c) free from fire and accident hazards.

11. Heating Equipment

- 11.1 Every building except a building or part of a building which is used for refrigerated storage which is occupied by human beings shall be provided with heating facilities of sufficient capacity to maintain the desirable indoor air temperature commensurate with the use of the building when the temperature outside the building is 0 degrees Fahrenheit.
- 11.2 Every fuel-burning appliance shall be connected and used in accordance with the provisions of The Energy Act, R.S.O. 1970, Chapter 27 and amendments thereto and the regulations made thereunder.

11.3 A space that contains a heating unit shall have natural or mechanical means of supplying the required air for combustion and adequate chimneys or vents for the discharge of combustion gases to the exterior of the building.

11.4 The heating system shall be maintained in good condition so as to be capable of heating the building safely to the required standards.

11.5 All heating equipment, including chimneys and vents shall be maintained and used safely and in accordance with the provisions of The Energy Act, R.S.O. 1970, Chapter 27 and amendments thereto and the regulations made thereunder.

12. Vermin Control

12.1 Every property shall be maintained so as to be free from vermin at all times and methods used for exterminating vermin shall be in accordance with the provisions of The Pesticide Act, R.S.O. 1970, Chapter 293 and amendments thereto and all regulations made thereunder.

12.2 Any opening in a cellar, crawl space or roof space used or intended to be used for ventilation and any other opening in a cellar, crawl space or roof space which might admit vermin shall be screened with wire mesh or other such material in order to effectively exclude vermin.

13. Drainage

13.1 Every property shall be graded and drained in order to prevent ponding or the entry of water into a building.

13.2 Sewage shall be discharged only through the building drain and building sewer into a sewage system.

13.3 Roof drainage shall be discharged through a building drain or an exterior conductor to a building sewer into a sewage system.

14. Walks and Driveways

14.1 A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street.

14.2 Every walk, driveway and parking space shall be surfaced with stone, asphalt, concrete or other material capable of providing a hazard-free, hard surface and shall be maintained in good condition.

15. Animals

Domestic animals and pets shall be kept only in accordance with the applicable city by-law.

16. Garbage

Every property shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes, which receptacles shall be

(a) of watertight construction

(b) capable of being tightly closed

(c) maintained in a clean condition, and

(d) made available for regular emptying or collecting.

17. Signs

Signs shall be maintained in good repair and in a safe manner in accordance with the provisions of the Building Code and the Sign By-law No. 46-72 and amendments thereto.

18. Yards, Parking Lots and Vacant Property

- 18.1 Every yard, parking lot and vacant property shall be kept free of litter, debris, salvage, refuse and physical hazards.
- 18.2 Grass, plantings and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of The Weed Control Act, R.S.O. 1970, Chapter 493 and amendments thereto and the regulations made thereunder.
- 18.3 No machinery, vehicle or parts thereof which are in a wrecked, discarded, dismantled, partially dismantled or abandoned condition shall be stored or allowed to remain in the yard of any building or on any vacant property except as provided for in subsection (1) of this section.
- 18.4 Storage, salvage and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a solid line fence and materials or matter of any kind stored or located in such yards shall not be piled within three (3) feet of such fence unless such fence is capable of sustained any horizontal load which may be imposed upon it by the stored materials.
- 18.5 The owner of any property used for multiple-dwelling, commercial, institutional or industrial purposes shall install and maintain around such property suitable fences, hedges or screening where such property is used for the parking of vehicles by tenants, employees or customers, when used for the operation of equipment, when used for the storage of goods or when used for any other purposes which may detract from the quiet enjoyment and good appearance of an abutting residential property.

19. Accessory Buildings, Structures and Fences

- 19.1 Every accessory building, structure or fence and every part thereof shall be of material acceptable to the City under the provisions of the Building Code.
- 19.2 Every accessory building, structure or fence shall be kept in good condition and repair and every part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject.
- 19.3 All exterior exposed surfaces of accessory buildings or structures shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration.

PART II

ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

20. Habitable Rooms

- 20.1 Every living room, dining room and kitchen shall have an average clear height of seven (7) feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of seven (7) feet over at least one-half its floor area.
- 20.2 A bedroom or sleeping room for one person shall have a floor area of at least sixty (60) square feet and a bedroom or sleeping room for two or more persons shall have a floor area of at least thirty-six (36) square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.

20.3 For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) of this section the floor area of any portion of the room which does not have a clear height of four (4) feet six (6) inches shall be excluded.

21. Non-Habitable Rooms

A non-habitable room shall not be used as a habitable room.

22. Kitchen Facilities

Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling and every dwelling unit shall be provided with each of the following:

- (a) a kitchen sink with splash back which is water and grease resistant;
- (b) a work surface at least four (4) feet long and twenty-two (22) inches wide;
- (c) kitchen cupboards or pantry for the storage of food, dishes and cooking utensils having a content of at least thirty (30) cubic feet; and
- (d) a space sufficient to accommodate a cooking range or a countertop cooking unit.

23. Lighting

Every habitable room adjacent to an exterior wall, except a kitchen shall be provided with such sources of natural light equal in area to ten (10) percent of the floor area of the room.

24. Ventilation

24.1 Unheated roof spaces and crawl spaces which are insulated, and cellars shall be provided with openings to the outside air by screened louvres, vents or other means to minimize dampness, uninsulated roof spaces and crawl spaces shall be provided with openings for ventilation and the said openings may be provided with closures.

24.2 Every habitable room shall be ventilated by means of suitable apertures in the walls or the roof thereof equal in area to not less than three (3) square feet, or by such other means as shall be in accordance with the provisions of the Building Code.

24.3 Every bathroom or shower room and every room containing a water-closet or urinal shall be ventilated by a window of at least (1) square foot capable of being opened or by means of mechanical ventilation in accordance with the provisions of the Building Code.

25. Heating Facilities

25.1 Every residential building shall be equipped with heating facilities capable of maintaining an average room temperature of 72 degrees Fahrenheit, five (5) feet above floor level and at a distance of three (3) feet and more from exterior walls in the rooms occupied by persons and in any room containing a bathtub, shower or water-closet when the temperature outside the building is 0 degrees Fahrenheit.

25.2 In a dwelling containing more than three (3) dwelling units, the central heating system if the dwelling is so equipped, shall be located in accordance with the provisions of the Building By-law.

25.3 No open flame type of heating appliance shall be installed or used in a room used or intended to be used for sleeping accommodation.

26. Plumbing and Plumbing Facilities

26.1 Every dwelling and every dwelling unit, except as otherwise provided in subsection (2) of this section shall be provided with at least the following:

- (a) a water-closet;
- (b) a wash basin; and
- (c) a bathtub or shower.

26.2 The occupants of two (2) dwelling units may share a toilet, wash basin, bathtub or shower provided that

- (a) the two (2) dwelling units are occupied by a total of not more than eight (8) persons, and
- (b) access thereto can be had without going through rooms of another dwelling unit or outside the dwelling.

27. Electrical System

27.1 Every dwelling which is wired for electricity shall have available an adequate supply of electrical power at all times in all parts of the dwelling.

27.2 The capacity of the connection to the dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use in the dwelling and shall be in compliance with the regulations enacted pursuant to The Power Commission Act R.S.O. 1970, Chapter 354 and amendments thereto.

27.3 Subject to subsection (4) of this section, every habitable room in a dwelling shall have at least one (1) electrical duplex outlet in good working order.

- (a) for the first one hundred and twenty (120) square feet or less of floor area, and
- (b) for each additional one hundred (100) square feet or less of floor area.

27.4 A kitchen in a dwelling shall have at least one (1) electrical split convenience outlet on an individual three-wire grounded circuit in good working order, unless there is an existing duplex outlet on an individual grounded circuit in good working order.

27.5 Every laundry area in a dwelling shall have at least one (1) electrical duplex convenience outlet on an individual grounded circuit in good working order.

27.6 An electrical light fixture shall be permanently installed and maintained in good working order in every toilet room, bathroom, shower room, kitchen, kitchenette, cooking space, laundry room, furnace room, cellar, hall and stairway in a dwelling.

28. Maximum Dwelling Occupancy

The number of occupants in a dwelling or a dwelling unit shall not exceed one (1) person for every eighty (80) square feet of floor area of habitable rooms other than kitchens. Children up to and including those eight (8) years of age, shall be counted as half a person each for computing the number of occupants in a dwelling unit.

PART III

APPLICATION

29. Part I applies to all property in the Municipality of the City of North Bay.

30. In addition to the provisions of Part I, the provisions of Part II apply to residential property in the Municipality of the City of North Bay.

PART IV

ADMINISTRATION AND ENFORCEMENT

31. Officers

The administration and enforcement of this By-law is the responsibility of the Director of Planning and Works, or such other person as he might designate.

32. Property Standards Committee

- 32.1 The Property Standards Committee for the City of North Bay shall consist of three (3) ratepayers of the City to be appointed by Council for terms of 1, 2 and 3 years initially and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

NOTE: SUBSECTIONS 17, 18 and 19 OF SECTION 36 OF THE PLANNING ACT, R.S.O. 1970, CHAPTER 349 AS AMENDED PROVIDE FOR APPEALS FROM ORDERS MADE UNDER THIS BY-LAW TO THE PROPERTY STANDARDS COMMITTEE AND TO A JUDGE OF THE DISTRICT COURT.

33. Certificate of Compliance

Upon the issuance of a certificate of compliance at the request of an owner a fee is payable in accordance with the following:

- (a) a fee of five (\$5.00) dollars for a residential property containing three (3) or fewer dwelling units;
- (b) a fee of two (\$2.00) dollars for any residential property containing more than three (3) dwelling units; and
- (c) for any commercial, industrial or institutional property:
 - (i) a fee of ten (\$10.00) dollars for any building having a gross floor area of twenty thousand (20,000) square feet or less,
 - (ii) a fee of twenty-five (\$25.00) dollars for any area between twenty thousand and one (20,001) square feet and fifty thousand (50,000) square feet; and
 - (iii) a fee of twenty-five (\$25.00) dollars, plus ten (\$10.00) for each additional fifty thousand (50,000) square feet for a building in excess of fifty thousand and one (50,001) square feet.

NOTE: THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE HEREIN DOES NOT RELIEVE THE RECIPIENT FROM COMPLIANCE WITH THE REQUIREMENTS OF OTHER APPLICABLE BY-LAWS, REGULATIONS AND STATUTES AND IT DOES NOT CONSTITUTE AN OCCUPANCY PERMIT UNDER THE BUILDING BY-LAW.

34. Penalties

- 34.1 Except as hereinafter provided, every person who contravenes any of the provisions of this By-law, or of Section 36 of The Planning Act, R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand (\$1,000.00) dollars exclusive of costs.

34.2 Every owner who contravenes an order that is final and binding and which has been made pursuant to the terms of this bylaw and of Section 36 of The Planning Act, R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding five hundred (\$500.00) dollars for each day that he is in contravention of such order.

35. Power of Corporation to Repair or Demolish

If the owner or occupant of property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies,

- (a) shall have the right to repair or demolish the property accordingly, and for this purpose with its servants and agents from time to time to enter in and upon the property;
- (b) shall not be liable to compensate such owner, agent or any other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this section; and
- (c) shall have a lien for any amount expended by or on behalf of the City under the authority of this section together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the City as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the Collector's roll to be collected in the same manner as Municipal realty taxes.

NOTE: SUBSECTIONS 4, 5 and 7 (b) OF SECTION 36 OF THE PLANNING ACT R.S.O. 1970, CHAPTER 349 AS AMENDED CONTAIN PROVISIONS RELATING TO THE RIGHT OF ENTRY TO PROPERTY.

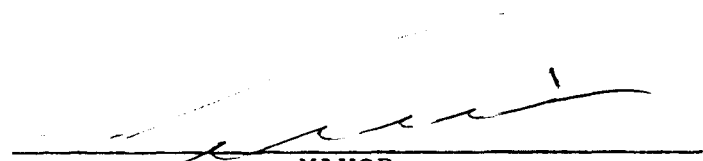
36. Conflicts

Wherever a standard established by this by-law is different from a standard in relation to the same matter established by any other item of legislation in force in the City of North Bay, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.

READ A FIRST TIME IN OPEN COUNCIL THIS 2ND DAY OF MAY, 1977

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MAY, 1977

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 16TH DAY OF MAY, 1977.


MAYOR


CITY CLERK