

Chapter 629

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[HISTORY: Adopted by the Council of the City of Toronto 2000-10-05 by By-law No. 930-2000.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and demolition — See Ch. 363.
Carbon monoxide detectors — See Ch. 387.

Fees and charges — See Ch. 441.
Fences — See Ch. 447.

¹ Editor's Note: This by-law was passed under the authority of subsections 15.1(3) and 15.1(6) of the *Building Code Act, 1992*, S.O. 1992, c. 23. This By-law No. 930-2000 comes into effect 2001-01-01. Section 45, Repeal of by-laws, of this by-law provided that, except for the purposes set out in §§ 629-3 and 629-50, the following are repealed: former Borough of East York By-law No. 39-90, "To provide standards for the maintenance and occupancy of property in the Borough of East York," as amended; former City of Etobicoke Municipal Code Chapter 198, Property Maintenance and Minimum Standards; former City of North York "Property Standards By-law No. 31148," as amended; former City of Scarborough By-law No. 20483, "being a by-law prescribing standards for the maintenance and occupancy of property," as amended; former City of Toronto Municipal Code Chapter 210, Housing Standards, and Article II, Non-Residential Standards, and Article IV, Vacant Land, of Chapter 264, Property Maintenance; former City of York By-law No. 3180-95, "To provide basic and uniform standards governing the condition and maintenance of properties in the City of York, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof," as amended and as codified in Former City of York Municipal Code Property Maintenance Chapter 824, PROPERTY MAINTENANCE. In addition, By-law No. 559-2004, adopted 2004-06-24, which amended this chapter, also repealed Ch. 151, Buildings, Vacant, of the former City of Toronto Municipal Code.

Graffiti — See Ch. 485
Grass and weeds — See Ch. 489.
Heating — See Ch. 497.
Littering and dumping of refuse — See Ch. 548.
Use of pesticides — See Ch. 612.

Abandoned refrigerators and other appliances — See Ch. 659.
Signs — See Ch. 693.
Snow and ice removal — See Ch. 719.
Trees — See Ch. 813.
Discontinuance of vital services — See Ch. 835.

ARTICLE I
Definitions; Application

§ 629-1. Definitions.

A. As used in this chapter, the following terms have the meanings indicated:

ACCESSORY BUILDING — A subordinate building or structure that is devoted exclusively to the use naturally and normally incidental to the main use of the property and is located in a yard appurtenant to the main building.

ACCESS TO EXIT — The same meaning as in Article 1.4.1.2. of Division A of the Building Code, that is noted as follows for reference purposes only and is subject to Subsection C: **[Added 2010-08-27 by By-law No. 974-2010]**

- (1) **ACCESS TO EXIT** — That part of a means of egress within a floor area that provides access to an exit serving the floor area.

BASEMENT — A storey of a dwelling which is below ground level, and includes a cellar.

BUILDING AREA — The greatest horizontal area of a building above grade: **[Added 2008-04-29 by By-law No. 349-2008]**

- (1) Within the outside surface of exterior walls; or
- (2) Within the outside surface of exterior walls and the centre line of firewalls.

DWELLING — A building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

EXIT — The same meaning as in Article 1.4.1.2. of Division A of the Building Code, that is noted as follows for reference purposes only and is subject to Subsection C: **[Added 2010-08-27 by By-law No. 974-2010]**

- (1) **EXIT** — 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.

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GROUND COVER — Any suitable material applied to the ground to prevent erosion of the soil and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

GUARD — A protective barrier, with or without openings through it, that is 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. **[Added 2008-04-29 by By-law No. 349-2008]**

HABITABLE ROOM — A room in a dwelling designed, lawfully used or capable of being lawfully used for living, sleeping, cooking or eating purposes.

HANDRAIL — A continuously graspable rail forming the top part of a balustrade or guard on stairs, landings, raised walkways and ramps adhered to a wall or a guard forming part of the stair, landing, walkway or ramp intended to provide guidance and support to the user and to arrest falls. **[Added 2008-04-29 by By-law No. 349-2008]**

MERCANTILE OCCUPANCY — The occupancy or use of a building or part of a building for the displaying or selling of retail goods, wares or merchandise. **[Added 2009-05-27 by By-law No. 570-2009²]**

MIXED-USE BUILDING — A building lawfully used in part for residential purposes and in part for non-residential purposes.

MOTION SENSOR CONTROLLED SWITCH — An electrical control device activated by movement within a defined area, for the purpose of operating one or more electrical fixtures. **[Added 2010-08-27 by By-law No. 974-2010]**

MULTIPLE-DWELLING — A building or part of a building containing three or more dwelling units.

NON-HABITABLE FLOOR AREA:

- (1) A room in a building or a dwelling unit other than a habitable room, and includes:
 - (a) A bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet or boiler room.
 - (b) Any part of a room having a clear ceiling height of less than 1.4 metres.
- (2) Other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

NON-RESIDENTIAL PROPERTY — Land, a building or structure used or capable of being used for other than residential purposes.

² Editor's Note: This by-law came into force 2009-07-27.

NULL ZONE — Where the artificial lighting for a space is controlled by one or more motion sensors, a portion of the space that does not receive sensor coverage from a motion sensor. **[Added 2010-08-27 by By-law No. 974-2010]**

OCCUPANCY — The use or intended use of a building or part of a building for the shelter or support of persons, animals or property as established by the Building Code. **[Added 2008-04-29 by By-law No. 349-2008]**

OCCUPANT, OWNER, PROPERTY and REPAIR — The same meanings as in subsection 15.1(1) of the *Building Code Act, 1992*.³ These meanings are noted as follows, for reference purposes only, and are subject to Subsection C:

- (1) **OCCUPANT** — Any person or persons over the age of 18 years in possession of the property.
- (2) **OWNER** — Includes:
 - (a) 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 the land and premises were let; and
 - (b) 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 the maintenance and occupancy of property.
- (3) **PROPERTY** — 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.
- (4) **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 a property conforms with the standards established in a by-law passed under this section.

RESIDENTIAL PROPERTY — Land, a building or structure used, capable of being of being used, designed or intended for residential use.

RETAINING WALL — A wall or similar structure built to hold back, confine, or sustain the pressure from a bank of earth, loose stone or fill material separating two grade levels. **[Added 2008-04-29 by By-law No. 349-2008]**

SANITARY FACILITIES — A room or rooms containing one or more toilets, washbasins, bathtubs or showers or any combination thereof and includes a toilet room. **[Added 2009-05-27 by By-law No. 570-2009⁴]**

³ Editor's Note: See S.O. 1992, c. 23.

⁴ Editor's Note: This by-law came into force 2009-07-27.

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SEWAGE SYSTEM — The City sanitary sewer system or a private sewage disposal system approved by the City.

STANDARDS — The standards for the maintenance and occupancy prescribed for property in this chapter.

STOREY — The portion of a building: **[Added 2008-04-29 by By-law No. 349-2008]**

- (1) That is situated between the top of any floor and the top of the floor next above it; or
- (2) That is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

SUPPLIED FACILITY — An appliance, fixture or piece of equipment, including any related system, provided or established in conjunction with the use of property that is ancillary or incidental to the occupancy as may be specified within a lease agreement or required to be provided in accordance with the provisions of the Building Code, the *Health Protection and Promotion Act*,⁵ the Municipal Code or other applicable by-law or regulation. **[Added 2009-05-27 by By-law No. 570-2009⁶]**

VEHICLE — Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

YARD — The part of the lot unoccupied by the main building and includes vacant land.

- B. A term not defined in Subsection A shall have the same meaning as the term in the *Building Code Act, 1992*⁷ or in the Building Code.
- C. In this chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

§ 629-2. Application.

This chapter applies to all property in the City of Toronto.

⁵ Editor's Note: See R.S.O. 1990, c. H.7.

⁶ Editor's Note: This by-law came into force 2009-07-27.

⁷ Editor's Note: See S.O. 1992, c. 23.

ARTICLE II
Property Standards Committee
[Amended 2001-12-06 by By-law No. 1068-2001⁸]

§ 629-3. Property Standards Committee; appeals; fees.

- A. A Property Standards Committee is established that consists of four Committee Hearing Panels.
- B. Each Committee Hearing Panel shall hear appeals of orders made under subsection 15.2(2) of the *Building Code Act, 1992*⁹ respecting property in the geographic area of one of the service delivery districts of the Department of Urban Development Services.
- C. If an order applies to a property that is located in the geographic area of more than one service delivery district, the appeal may be heard by any committee hearing panel responsible for one of the geographic areas in which the property is located.
- D. Fees.

Despite § 629-50 and any other by-law of a former municipality, a person appealing an order to the Property Standards Committee shall pay the fee set out in Chapter 441, Fees and Charges, payable in advance, for the processing of the appeal.
[Amended 2006-09-27 by By-law No. 1056-2006]

§ 629-3.1. Members.

- A. The Property Standards Committee shall be composed of 16 members with four members assigned to each Committee Hearing Panel from time to time under the Property Standards Committee's rules of procedure.
- B. The members shall be appointed for a term not exceeding the term of the Council that appointed them.
- C. Despite Subsection B, the members continue to hold office until their successors are appointed.
- D. Members shall be at least 18 years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the City.
- E. Members shall not act as agents for any person on their appeal of an order to the Property Standards Committee.

⁸ Editor's Note: This by-law came into force 2002-01-01.

⁹ Editor's Note: See S.O. 1992, c. 23.

ARTICLE III
General Duties and Obligations

§ 629-4. Compliance required.

- A. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.
- B. No basement or any portion of a basement shall be used or permitted to be used as a habitable room or dwelling unit unless each habitable room complies with all requirements for egress, light, ventilation and ceiling height set out in this chapter.

§ 629-5. Owner's duties.

The owner of property shall:

- A. Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe condition; and
- B. Ensure that every supplied facility in or on the property is: [**Amended 2009-05-27 by By-law No. 570-2009¹⁰**]
 - (1) Constructed, installed and maintained so that it will function safely and effectively;
 - (2) Kept in a satisfactory working condition; and
 - (3) Available for use by the occupants and other users of the property in accordance with the standards.

§ 629-5.1. Emergency contact sign.

[**Added 2004-06-24 by By-law No. 559-2004**]

- A. The owner of a multiple-dwelling shall cause a sign to be posted and maintained in a prominent place in the front lobby or entrance of the building.
- B. The sign shall indicate, in lettering not less than 12.7 millimetres in height, the current name, address and telephone number of the owner, manager or other person responsible for the property and the name and telephone number of the authorized person to contact in the case of an emergency on a twenty-four-hour basis.
- C. The telephone numbers listed on the sign shall be numbers that do not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number.

¹⁰ Editor's Note: This by-law came into force 2009-07-27.

- D. If there is a change in the information displayed on the sign, the sign shall be revised to reflect the change within one week of the change.

§ 629-6. Occupant's duties.

Every person who occupies property shall:

- A. Maintain the property in a clean and sanitary condition;
- B. Maintain all plumbing, cooking, refrigerating appliances and fixtures, and all storage facilities and other equipment in or on the property in a clean and sanitary condition;
- C. Maintain all sanitary facilities and every fixture in a sanitary facility in a clean and sanitary condition; [Amended 2009-05-27 by By-law No. 570-2009¹¹]
- D. Keep all exits from the property clear and unobstructed;
- E. Co-operate with the landlord in complying with the requirements of this chapter;
- F. Limit the number of occupants to the maximum number permitted by this chapter; and
- G. Take immediate action to eliminate any unsafe condition.

§ 629-7. Manner of making repairs.

- A. All repairs shall be made in a good workmanlike manner with materials that are suitable and sufficient for the purpose and free from defects.
- B. Without restricting the generality of Subsection A:
 - (1) The requirement that repairs be made in a “good workmanlike manner” includes:
 - (a) Ensuring that the component repaired can perform its intended function.
 - (b) Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
 - (2) The requirement that repairs be made with “materials that are suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

¹¹ Editor's Note: This by-law came into force 2009-07-27.

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§ 629-8. Higher standard.

If there is a conflict between a provision in this chapter and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

ARTICLE IV
Standards

§ 629-9. Pest control.

All properties shall at all times be kept free of rodents, vermin, insects and other pests and from conditions which may encourage infestation by pests.

§ 629-10. Maintenance of yards and property.

- A. Nothing in this section shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.
- B. All yards and any other part of a property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- C. All yards and any other part of a property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- D. No mechanical equipment, vehicle, trailer or boat or a remnant or any part of them, or that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard, unless it is lawfully permitted to use the yard for this purpose.
- E. Firewood storage.
 - (1) Firewood for domestic use may be stored in a rear yard if the area used for this storage is not more than 15% of the area of the rear yard.
 - (2) The stored firewood shall be:
 - (a) Neatly piled not less than 300 millimetres from any lot line;
 - (b) Stored at a height of not less than 150 millimetres above grade; and
 - (c) Stored with a total height of not more than 1.5 metres.
- F. Clothing drop boxes.

Every owner of property on which a clothing drop box is used or located shall ensure that the clothing drop box is clean, in good repair and is free of graffiti, and shall ensure that all areas immediately adjacent to the clothing drop box are clean and free of litter, refuse and other debris. [Added 2006-09-27 by By-law No. 800-2006¹²]

§ 629-11. Landscaping, drainage and grading.

- A. All yards shall be graded and have suitable ground cover to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all buildings. [Amended 2004-06-24 by By-law No. 559-2004]
- A.1. Despite Subsection A, the front yard of a residential property, other than a multiple-dwelling or a mixed-use building, shall be maintained as follows: [Added 2004-06-24 by By-law No. 559-2004]
- (1) Graded so as to prevent recurrent ponding of water and direct the surface water away from the building.
 - (2) Not used or maintained for parking purposes, except for the areas required or permitted to be used for parking under any applicable zoning by-law or permitted to be used for parking by a minor variance to a zoning by-law or an agreement with the City.
 - (3) Landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:
 - (a) Trees, shrubs, grass or flowers;
 - (b) Decorative stonework, walkways or screening; and
 - (c) Any other horticultural or landscape-architectural elements.
 - (4) If paving is permitted as landscaping under the provisions of a zoning by-law, any hard surface paved area must be separated from adjacent driveways and walkways with a physical barrier, not less than 150 millimetres above grade.
- B. Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than 20 centimetres.
- C. All lawns, shrubs and hedges shall be kept trimmed and not be overgrown.
- D. All yards shall be kept free of heavy undergrowth and weeds.

¹² Editor's Note: This by-law came into force 2007-01-01.

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- E. A tree or other plant, or a limb or branch or¹³ it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.
- F. All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
 - (1) Obstruct the safety of the public;
 - (2) Affect the safety of vehicular or pedestrian traffic;
 - (3) Constitute an obstruction of view for vehicular traffic;
 - (4) Wholly or partially conceal or interfere with the use of any hydrant or water valves; or
 - (5) Overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.
- G. All catch basins, storm drains, ditches and swales shall be maintained free from defects and obstructions.

§ 629-12. Accessory buildings.

Every accessory building shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

§ 629-13. Enclosures.

All fences, screens and other enclosures around or on a property shall be maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical, with a uniform construction, in good repair and free from hazards.

§ 629-14. Retaining walls.

Retaining walls shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

§ 629-15. Signs.¹⁴

- A. Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn, peeled or cracked finish, shall be

¹³ Editor's Note: Technical amendment is required to change "or" to "of."

¹⁴ Editor's Note: See also Ch. 693, Signs.

removed or refinished and put in a good state of repair so that the signs are free from defects or faded lettering.

- B. Signs and sign structures that are not used for the purpose intended, not cared for or discarded shall be removed from the property.
- C. Signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

§ 629-16. Structural adequacy.

- A. Every part of a building or structure shall be maintained in good repair and in a structurally sound condition so as:
 - (1) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;
 - (2) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
 - (3) To prevent the entry of moisture that would contribute to damage, decay or deterioration.
- B. Foundation walls, basements, cellars and crawl spaces and other supporting members of a building or structure shall be maintained in good repair and structurally sound.
- C. For purposes of this section, “structure” includes a fence, shed or other small building in addition to structures defined in the *Ontario Building Code Act, 1992*.¹⁵

§ 629-17. Buffering.

Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- A. A barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
- B. A barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;
- C. A visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
- D. The provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

¹⁵ Editor’s Note: See S.O. 1992, c. 23.

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§ 629-18. Exterior walls, columns and beams.

- A. Exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials.
- B. The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- C. Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure.
- D. All canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

§ 629-19. Stairs, guards, handrails and other structures.

- A. All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.
- B. Retaining walls. [**Amended 2008-04-29 by By-law No. 349-2008**]
 - (1) A retaining wall exceeding 1,000 millimetres in exposed height shall be protected by a guard on all open sides where access to the open space is provided at the top of the retaining wall.
 - (2) Required guards as described in Subsection B(1) shall be constructed and maintained in accordance with Subsection C or D based on the type of occupancy established for the building on the property.
 - (3) Required guards as described in Subsection B(1) for retaining walls on land without a building, including vacant land, shall be constructed and maintained in accordance with Subsection D.
- C. Guards, for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial occupancies shall be installed and maintained to comply with the

following: [Amended 2008-04-29 by By-law No. 349-2008; 2008-09-25 by By-law No. 983-2008;¹⁶ 2009-10-01 by By-law No. 932-2009¹⁷]

- (1) Required guards.
 - (a) Except as provided in Subsection C(1)(b) and (c), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, mezzanines, galleries and raised walkways, shall be protected by a guard on each side that is not protected by a wall for the length where:
 - [1] There is a difference in elevation of more than 600 millimetres between the walking surface and the adjacent surface; or
 - [2] The adjacent surface within 1.2 metres from the walking surface has a slope of more than one vertical to two horizontal.
 - (b) Guards are not required:
 - [1] At loading docks;
 - [2] At floor pits in repair garages; or
 - [3] Where access is provided for maintenance purposes only.
 - (c) When an interior stair has more than two risers or an interior ramp rises more than 400 millimetres, the sides of the stair or ramp and the landing or floor level around the stairwell or ramp shall be protected by a guard on each side that is not protected by a wall.
- (2) Height of guards.
 - (a) Except as provided in Subsection C(2)(b) to (d), all guards shall be not less than 1,070 millimetres high.
 - (b) All guards within dwelling units shall be not less than 900 millimetres high.
 - (c) Exterior guards serving not more than one dwelling unit shall be not less than 900 millimetres high where the walking surface served by the guard is not more than 1,800 millimetres above the finished ground level.
 - (d) Guards for flights of steps, except in required exit stairs, shall be not less than 900 millimetres high.

¹⁶ Editor's Note: This by-law came into force 2008-04-29.

¹⁷ Editor's Note: This by-law came into force 2008-04-29.

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- (e) The height of guards for flights of steps shall be measured vertically from a line drawn through the leading edge of the treads served by the guard.
- (3) Except for floors of garages serving a single dwelling unit, where garage floors or ramps are 600 millimetres or more above the adjacent ground or floor level, every opening through a garage floor and the perimeter of floors and ramps that have no exterior walls shall be provided with:
 - (a) A continuous curb not less than 150 millimetres in height; and
 - (b) A guard not less than 1,070 millimetres above the floor level.
- (4) Openings in guards.
 - (a) Except as provided in Subsection C(4)(b), openings through any guard that is required by Subsection C(1) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (b) Openings through any guard that is required by Subsection C(4), and that is installed in a building of industrial occupancy, shall be of a size that will prevent the passage of a spherical object having a diameter of 200 millimetres unless it can be shown that the location and size of such openings that exceed this limit do not represent a hazard.
 - (c) Unless it can be shown that the location and size of openings that do not comply with the following limits do not represent a hazard, openings through any guard that is not required by Subsection C(1), and that serves a building of other than industrial occupancy, shall be of a size that:
 - [1] Will prevent the passage of a spherical object having a diameter of 100 millimetres; or
 - [2] Will permit the passage of a spherical object having a diameter of 200 millimetres.
- (5) Climbing prevention in guard design.
 - (a) Guards required by Subsection C(1), except those in industrial occupancies and where it can be shown that the location and size of openings do not represent a hazard, shall be designed so that no member, attachment or opening will facilitate climbing.
 - (b) Guards shall be deemed to comply with Subsection C(5)(a) where any elements protruding from the vertical and located within the area

between 140 millimetres and 900 millimetres above the floor or walking surface protected by the guard:

- [1] Are located more than 450 millimetres horizontally and vertically from each other;
 - [2] Provide not more than 15 millimetres horizontal offset;
 - [3] Do not provide a toe-space more than 45 millimetres horizontally and 20 millimetres vertically; or
 - [4] Present more than a slope of one vertical to two horizontal slope on the offset.
- (6) Glass in guards shall be:
- (a) Safety glass of the laminated or tempered type conforming to CAN/CGSB-12.1-M, “Tempered or Laminated Safety Glass”; or
 - (b) Wired glass conforming to CAN/CGSB-12.11-M, “Wired Safety Glass.”
- (7) Loads on guards.
- (a) Guards shall be designed to resist the loads specified in Table § 629-19C(7).
 - (b) Where the width and spacing of balusters in guards within dwelling units and exterior guards serving not more than two dwelling units is such that three balusters can be engaged by a load imposed over the three-hundred-millimetre width, the load shall be imposed so as to engage three balusters.
 - (c) None of the loads specified in Table § 629-19C(7) need to be considered to act simultaneously.
 - (d) For guards within dwelling units and for exterior guards serving not more than two dwelling units, Table § 629-19C(7) need not apply where the guard construction has been demonstrated to provide effective performance.

Table § 629-19C(7)
Specified Loads for Guards
Forming part of Subsection C(7)(a)
Minimum Design Loads

Location of Guard	Horizontal Load Applied Inward or Outward at any Point at the Top of the Guard	Horizontal Load Applied Inward or Outward on Elements Within the Guard, Including Solid Panels and Pickets	Evenly Distributed Vertical Load Applied at the Top of the Guard
Guards within dwelling units and exterior guards serving not more than 2 dwelling units	0.5 kN/m or concentrated load of 1.0 kN applied at any point ^(a)	0.5 kN applied over a maximum width of 300 mm and a height of 300 mm ^(b)	1.5 kN/m
Guards serving access walkways to equipment platforms, contiguous stairs and similar areas	Concentrated load of 1.0 kN applied at any point	Concentrated load of 0.5 kN applied at any point on individual elements	1.5 kN/m
All other guards	0.75 kN/m or concentrated load of 1.0 kN applied at any point ^(a)	Concentrated load of 0.5 kN applied at any point on individual elements	1.5 kN/m

Notes to Table § 629-19C(7).

^(a) The load that creates the most critical condition shall apply.

^(b) See Subsection C(7)(b).

- D. Guards for all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection C shall be installed and maintained to comply with the

following: [Added 2008-04-29 by By-law No. 349-2008; amended 2008-09-25 by By-law No. 983-2008;¹⁸ 2009-10-01 by By-law No. 932-2009¹⁹]

- (1) Safety within all floor areas.
 - (a) Except as otherwise provided in this section, a guard not less than 1,070 millimetres high shall be provided:
 - [1] Around each roof to which access is provided for other than maintenance;
 - [2] At openings into smoke shafts that are less than 1,070 millimetres above the floor; and
 - [3] At each raised floor, mezzanine, balcony, gallery, interior or exterior vehicular ramp, and at other locations where the difference in level is more than 600 millimetres.
 - (b) Except as provided in Subsection D(1)(c) and (2)(d), openings through any guard that is required by Subsection D(1)(a) shall be of a size that will prevent the passage of a sphere having a diameter more than 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (c) Openings through any guard that is required by Subsection D(1)(a) and that is installed in a building of industrial occupancy shall be of a size which will prevent the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (d) Openings through any guard that is not required by Subsection D(1)(a) and that serves a building of other than industrial occupancy shall be of a size that:
 - [1] Will prevent the passage of a sphere having a diameter more than 100 millimetres; or
 - [2] Will permit the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed these limits do not represent a hazard.
 - (e) Unless it can be shown that the location and size of openings do not present a hazard, a guard shall be designed so that no member, attachment or opening located between 140 millimetres and 900

¹⁸ Editor's Note: This by-law came into force 2008-04-29.

¹⁹ Editor's Note: This by-law came into force 2008-04-29.

millimetres above the level protected by the guard will facilitate climbing.

- (f) Subsection D(1)(a) does not apply at the front edges of stages, floor pits in repair garages and loading docks.
- (2) Assembly occupancy.
- (a) Except as required by Subsection D(2)(c) to (d) for bleacher seats, guards shall be installed in outdoor and indoor places of assembly with fixed seats so that:
 - [1] At the fascia of every box, balcony or gallery where the seats extend to the edge, the height of guards is not less than 760 millimetres in front of the seats, and 920 millimetres if located at the end of aisles or at the foot of steps;
 - [2] The height of guards along every cross aisle other than those adjacent to the fascia of every box, balcony or gallery is not less than 660 millimetres, except that guards need not be provided if the backs of the seats along the front side of the aisle are not less than 600 millimetres above the floor of the aisle; and
 - [3] Where the seating is arranged in successive tiers and the height of rise between platforms is more than 450 millimetres, the height of guards is not less than 660 millimetres along the entire row of seats at the edge of the platform.
 - (b) The backs and ends of bleacher seats more than 1,200 millimetres above the ground or floor that are not adjacent to a wall shall be protected with a guard:
 - [1] Not less than 1,070 millimetres high above an adjacent aisle surface or foot rest; and
 - [2] Not less than 920 millimetres high above the centre of an adjacent seat board.
 - (c) If the front of a bleacher is more than 600 millimetres above the ground or floor, it shall be protected with a guard not less than 840 millimetres high above the front foot rest.
 - (d) Openings through any guard that is required by Subsection D(2)(b) and (c) shall be of a size that will prevent the passage of a sphere having a diameter more than 300 millimetres.
- (3) Exit facilities.
- (a) Every exit shall have a wall or a well-secured guard on each side.

- (b) Except as required by Subsection D(3)(d), the height of guards for exit stairs shall be not less than 920 millimetres measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosings and 1,070 millimetres around landings.
- (c) Exit ramps and their landings shall be protected with guards not less than 1,070 millimetres measured vertically to the top of the guard from the ramp surface where the difference in elevation between the adjacent ground or floor level and the ramp is more than 600 millimetres.
- (d) The height of guards for exterior stairs and landings more than 10 metres above adjacent ground level shall be not less than 1,500 millimetres measured vertically to the top of the guard from the surface of the landing or a line drawn through the outside edges of the stair nosings.
- (e) Except as provided in Subsection D(3)(f), openings through any guard that is required by Subsection D(3)(a) shall be of a size that will prevent the passage of a sphere having a diameter more than 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
- (f) Openings through any guard that is required by Subsection (D)(3)(a) and that is installed in a building of industrial occupancy shall be of a size that will prevent the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
- (g) In a stairway, a window for which the distance measured vertically between the bottom of the window and a line drawn through the outside edges of the stair nosings is less than 900 millimetres, or a window that extends to less than 1,070 millimetres above the landing, shall:
 - [1] Be protected by a guard that is:
 - [a] Located approximately 900 millimetres above a line drawn through the outside edges of the stair nosing; or
 - [b] Not less than 1,070 millimetres high measured to the top of the guard from the surface of the landing; or
 - [2] Be fixed in position and designed to resist the lateral design loads specified for guards and walls in accordance with Subsection D(5).
- (h) Unless it can be shown that the location and size of openings do not present a hazard, a guard shall be designed so that no member, attachment or opening located between 140 millimetres and 900 millimetres above the level being protected by the guard will facilitate climbing.

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- (4) Window protection in apartment buildings.
 - (a) Within apartment building occupancies, as described in accordance with the Building Code, protection shall be provided at windows to minimize the hazards to children in accordance with Subsection D(4)(b) to (d).
 - (b) Fixed windows within dwelling units that extend to less than 1,000 millimetres from the floor shall be protected by guards to at least 1,000 millimetres above the floor, or shall be designed to withstand the lateral design loads for balcony guards in accordance with Subsection D(5).
 - (c) Except as provided in Subsection D(4)(d), in dwelling units, any window located more than 2,000 millimetres above grade that opens within 1,500 millimetres of the floor shall be protected:
 - [1] By a guard conforming to Subsection D(5);
 - [2] By:
 - [a] A controlled sash operation to restrict, when engaged, the opening of the operable sash to not more than 100 millimetres; and
 - [b] A heavy-duty screen conforming to CAN/CSA A440, “Windows”; or
 - [3] By an alternative device that does not reduce the degree of safety provided by Subsection D(4)(c)[1] or [2].
 - (d) Protection of a window need not be provided in a dwelling unit where an exterior balcony is constructed for the full length of a window.
- (5) Loads on guards.
 - (a) The minimum specified horizontal load applied inward or outward at the top of every required guard shall be:
 - [1] 3.0 kilonewtons per metre for means of egress in grandstands, stadia, bleachers and arenas;
 - [2] A concentrated load of 1.0 kilonewtons applied at any point for accessways to equipment platforms, contiguous stairs and similar areas where the gathering of many people is improbable; and
 - [3] 0.75 kilonewtons per metre or a concentrated load of 1.0 kilonewtons applied at any point, whichever governs for locations other than those described in Subsection D(5)(a)[1] and [2].
 - (b) Individual elements within the guard, including solid panels and pickets, shall be designed for a load of 0.5 kilonewtons applied over an area of

100 millimetres by 100 millimetres located at any point in the element or elements so as to produce the most critical effect.

- (c) The loads required in Subsection D(5)(b) need not be considered to act simultaneously with the loads provided for in Subsection D(5)(a) and (d).
 - (d) The minimum specified load applied vertically at the top of every required guard shall be 1.5 kilonewtons per square metre and need not be considered to act simultaneously with the horizontal load provided for in Subsection D(5)(a).
 - (e) For loads on walls acting as guards where the floor elevation on one side of a wall, including a wall around a shaft, is more than 600 millimetres higher than the elevation of the floor or ground on the other side, the wall shall be designed to resist the appropriate lateral design loads prescribed elsewhere in this section or 0.5 kilopascals, whichever produces the more critical effect.
 - (f) Loads on vehicle guardrails for storage garages shall be designed for a concentrated load of 22 kilonewtons applied horizontally outward at any point 500 millimetres above the floor surface.
- E. Handrails for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial occupancies shall be installed and maintained in accordance with the following: **[Added 2008-04-29 by By-law No. 349-2008; amended 2009-10-01 by By-law No. 932-2009²⁰]**
- (1) Required handrails.
 - (a) Except as permitted in Subsection E(1)(b) and (c), a handrail shall be provided:
 - [1] On at least one side of stairs or ramps less than 1,100 millimetres in width;
 - [2] On two sides of curved stairs or ramps of any width, except curved stairs within dwelling units; and
 - [3] On two sides of stairs or ramps 1,100 millimetres in width or greater.
 - (b) Handrails are not required for:

²⁰ Editor's Note: This by-law came into force 2008-04-29.

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- [1] Interior stairs having not more than two risers and serving a single dwelling unit;
 - [2] Exterior stairs having not more than three risers and serving a single dwelling unit;
 - [3] Ramps with a slope of not less than a slope of one vertical to 12 horizontal; or
 - [4] Ramps rising not more than 400 millimetres.
- (c) Only one handrail is required on exterior stairs having more than three risers if the stairs serve a single dwelling unit.
- (2) Continuity of handrails.
- (a) Except as provided in Subsection E(2)(b), at least one required handrail shall be continuous throughout the length of the stair or ramp, including landings, except where interrupted by:
 - [1] Doorways; or
 - [2] Newel posts at changes in direction.
 - (b) For stairs or ramps serving a single dwelling unit, at least one handrail shall be continuous throughout the length of the stair or ramp, except where interrupted by:
 - [1] Doorways;
 - [2] Landings; or
 - [3] Newel posts at changes in direction.
- (3) Termination of handrails.
- (a) Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.
 - (b) Except for stairs and ramps serving a single dwelling unit, at least one handrail at the sides of a stair or ramp shall extend horizontally not less than 300 millimetres beyond the top and bottom of each stair or ramp.
- (4) Height of handrails.
- (a) The height of handrails on stairs and ramps shall be measured vertically from the top of the handrail to:
 - [1] A line drawn through the leading edge of the stair treads served by the handrail; or

- [2] The surface of the ramp, floor or landing served by the handrail.
- (b) Except as provided in Subsection E(4)(c), the height of handrails on stairs and ramps shall be:
 - [1] Not less than 800 millimetres; and
 - [2] Not more than 965 millimetres.
- (c) Where guards are required, handrails required on landings shall be not more than 1,070 millimetres in height.
- (5) Ergonomic design.
 - (a) A clearance of not less than 50 millimetres shall be provided between a handrail and any surface behind it.
 - (b) All handrails shall be constructed so as to be continually graspable along their entire length with no obstruction on or above them to break a handhold, except where the handrail is interrupted by newels at changes in direction.
- (6) Handrails and projections below handrails, including handrail supports and stair stringers, shall not project more than 100 millimetres into the required width of a stair or ramp.
- (7) Design and attachment of handrails.
 - (a) Handrails and any building element that could be used as a handrail shall be designed and attached in such a manner to resist:
 - [1] A concentrated load at any point of not less than 0.9 kilonewtons; and
 - [2] For handrails other than those serving a single dwelling unit, a uniformly distributed load of 0.7 kilonewtons.
 - (b) Where a handrail serving a single dwelling unit is attached to wood studs or blocking, the attachment shall be deemed to comply with Subsection E(7)(a) where:
 - [1] The attachment points are spaced not more than 1.2 metres apart;
 - [2] The first attachment point at either end is located not more than 300 millimetres from the end of the handrail; and
 - [3] The fasteners consist of no fewer than two wood screws at each point, penetrating not less than 32 millimetres into solid wood.

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F. Handrails for all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection E shall be installed and maintained to comply with the following: **[Added 2008-04-29 by By-law No. 349-2008; amended 2008-07-17 by By-law No. 719-2008;²¹ 2008-09-25 by By-law No. 983-2008;²² 2009-10-01 by By-law No. 932-2009²³]**

(1) Exit facilities.

- (a) A ramp or stairway shall have a handrail on at least one side, and if 1,100 millimetres or more in width, shall have handrails on both sides.
- (b) If the required width of a ramp or flight of stairs is more than 2,200 millimetres, one or more intermediate handrails continuous between landings shall be provided, and located so that there will be not more than 1,650 millimetres between handrails.
- (c) Handrails shall be continuously graspable along their entire length and shall have:
 - [1] A circular cross section with an outside diameter not less than 30 millimetres and not more than 43 millimetres; or
 - [2] Any non-circular shape with a graspable portion that has a perimeter not less than 100 millimetres and not more than 125 millimetres and whose largest cross-sectional dimension is not more than 45 millimetres.
- (d) Handrails on stairs and ramps shall be not less than 865 millimetres and not more than 965 millimetres high, measured vertically from a line drawn through the outside edges of the stair nosing or from the surface of the ramp, except that handrails not meeting these requirements are permitted provided they are installed in addition to the required handrail.
- (e) Except as required by Subsection F(2) and except where interrupted by doorways or newels at changes in direction, at least one handrail shall be continuous throughout the length of a stairway or ramp, including landings.
- (f) Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.
- (g) At least one handrail shall be:

²¹ Editor's Note: This by-law came into force 2008-04-29.

²² Editor's Note: This by-law came into force 2008-04-29.

²³ Editor's Note: This by-law came into force 2008-04-29.

- [1] Not less than 300 millimetres beyond the top riser, and continue to slope for a depth of one tread beyond the bottom riser followed by a three-hundred-millimetre horizontal extension; and
 - [2] In the case of a ramp, extend horizontally at the required height, not less than 300 millimetres beyond the top and bottom edges of the incline.
- (h) The clearance between a handrail and any surface behind it shall be not less than 50 millimetres.
 - (i) Handrails and their supports shall be designed and constructed to withstand the loading values obtained from the non-concurrent application of:
 - [1] A concentrated load not less than 0.9 kilonewtons applied at any point and in any direction for all handrails; and
 - [2] A uniform load not less than 0.7 kilonewtons per square metre applied in any direction to handrails not located within dwelling units.
 - (j) A ramp shall have handrails on both sides.
- (2) Care or detention occupancy.
- (a) In a nursing home, a home for the aged and a care occupancy, a continuous handrail shall be provided on both sides of a stairway throughout the length of the stairway, including landings, except where a handrail is interrupted by doorways or newels at changes in direction.
 - (b) Corridors and ramps used by residents in a nursing home shall be equipped with handrails on each side conforming to Subsection F(1)(c), (d), (f), (g) and (h).

§ 629-20. Roofs and roof structures.

- A. Every roof of a building and all its components shall be weather-tight and free from leaks, loose, unsecured or unsafe objects and materials, dangerous accumulation of ice and snow, and hazards.
- B. Roof decks, catwalks and related guards shall be maintained in good repair.
- C. Drainage.
 - (1) Where a rain-water collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter

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- and then into a downpipe that discharges directly into the building drain or not more than 150 millimetres above grade.
- (2) Any above-ground discharge from a downpipe or pipe shall be directed to discharge and be contained on the property in a manner that is not likely to cause damage to any adjoining property or create a hazardous condition on any stairway, walkway, street or boulevard.
- D. Every eavestrough, roof gutter, flashing and downpipe shall be protected by a suitable finishing material and shall be maintained free from leaks, defects, obstructions and hazards, water-tight and in good repair.
- E. All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.
- F. Chimneys, smoke or vent stacks and other similar roof structures and their supporting members shall be maintained in good repair and free from defects.

§ 629-21. Exterior openings, doors, windows and skylights.

- A. Exterior openings.
- (1) All exterior openings for doors and windows shall be fitted with doors or windows that are maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- (2) Any openings in an exterior wall of a building that are not protected by a door or window shall be maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- (3) All exterior doors, windows, skylights and basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and free from defects and missing components.
- B. All windows in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All windows capable of being opened and all exterior doors shall be free from defective hardware and be capable of being locked or otherwise secured from inside the building.

- D. Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.²⁴

§ 629-22. Garbage and debris storage and disposal.

- A. Garbage and refuse shall be stored in receptacles and removed in accordance with other City by-laws.
- B. All garbage bags containing garbage shall be stored within an enclosed garage or in a covered garbage receptacle.
- C. Every property shall have a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants so as to contain all garbage, debris and trade waste. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. The receptacles shall be containers that are water-tight, equipped with a tight-fitting cover, rodent- and pest-proof, and shall be maintained in a clean state. **[Amended 2004-06-24 by By-law No. 559-2004]**
- E. If a garbage chute system was originally installed in a multiple-dwelling, the system shall be maintained operative. **[Amended 2004-06-24 by By-law No. 559-2004]**
- E.1 Despite Subsection E, a garbage chute system may be closed by the owner of the multiple-dwelling and maintained closed if: **[Added 2010-05-12 by By-law No. 478-2010]**
- (1) The owner has been issued a permit for this closure by the General Manager, Solid Waste Management Services, under Article VIII of Chapter 844, Waste Collections, Residential Properties;
 - (2) The garbage chute system is closed by prohibiting access to the chute in a manner that is non-permanent and easily reversible, for example, by padlocking the openings, so that the garbage chute system can be reopened for normal operations if the permit under Article VIII of Chapter 844 is revoked; and
 - (3) The permit issued under Article VIII of Chapter 844 has not been revoked.
- E.2 A garbage chute system that is closed as described under Subsection E.1 shall be maintained otherwise operational in accordance with Division B, Article 3.6.3.3 "Linens and Refuse Chutes" of the Ontario Building Code. **[Added 2010-05-12 by By-law No. 478-2010]**

²⁴ Editor's Note: Former § 629-21E and F, requiring safety devices and guards for windows in multiple-dwelling units that are greater than two metres above grade, which previously followed this subsection, were repealed 2008-04-29 by By-law No. 349-2008.

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- F. Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour-free condition.
- G. The place for temporary storage and disposal of garbage and refuse shall be kept in a litter-free and odour-free condition, maintained in a manner that will not attract pests, create a health or other hazard, or obstruct an emergency route, recreation facility, parking area, driveway or walkway.
- H. Where garbage and refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage place or place for disposal shall be screened.
- I. If an exterior bulk or roll-off container garbage disposal system is used, it shall be equipped with covers or similar devices that are easily opened, but shall not be left open, except when being loaded.
- J. Any exterior bulk or roll-off garbage disposal system shall be large enough to contain all garbage and refuse generated between collections and not be loaded beyond the top of the container.

§ 629-23. Steps, walks, driveways, parking and loading areas.

- A. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be maintained in good repair so as to afford safe passage under normal use.
- B. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be cleared of snow and ice within 24 hours of a snowfall to provide safe access and egress for persons and vehicles.
- C. A walk shall be provided from the principal entrance of every building to a public street, or to a driveway that provides access to a public street.
- D. All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
- E. Despite Subsection D, if a non-residential property abuts a residential property, all the areas used for vehicular traffic or the parking or storage of a vehicle shall be surfaced with asphalt, concrete or interlocking stone.
- F. All areas of a yard that are used for vehicular traffic or the parking or storage of a vehicle or that are surfaced with a material impervious to water shall be:
 - (1) Kept free from dirt, surface dust and refuse;
 - (2) Maintained in good repair and free from cracks, holes and ruts;

- (3) Adequately graded and drained to prevent ponding of water and to direct the flow of water away from the walls of all buildings; and
 - (4) Provided with suitable markings to indicate parking spaces, and the markings shall be maintained so as to be clearly visible.
- G. Any yards that have been previously covered with paving materials shall be repaired with materials of the same composition and consistent with the original materials.
- H. All areas of a property used for vehicular traffic or the parking or storage of a vehicle shall be provided with secured curb stops or other restraining devices to prevent vehicles from causing injury to any person or encroaching on or causing damage to any property.

§ 629-24. Vacant buildings and property.

- A. The owner of any unoccupied building or other vacant property shall protect the building or property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized persons.
- B. If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:
- (1) By covering all windows, doors and other openings in the building that provide a means of entry with plywood or an equivalent material that shall be securely fastened and tight fitting, and shall:
 - (a) Have a thickness not less than 12 millimetres;
 - (b) Be fixed, if covering a wooden door or window frame, by steel wire nails of not less than 50 millimetres in length and, if covering a metallic door or window frames, by self-tapping screws not less than 38 millimetres in length, and the nails or screws shall be spaced at intervals of not more than 150 millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
 - (2) By blocking up all windows, doors and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.
- C. All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.
- D. Where a building remains vacant for a period of 90 days or more, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the property or adjoining premises.

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- E. A vacant property that is not a building shall be secured by fencing, wheel stops, bollards or similar devices to prevent unauthorized entry.

§ 629-25. Occupancy standards.

- A. A room designed and intended for use as a non-habitable area shall not be used as a habitable area.
- B. No basement or cellar space shall be used as a dwelling unit or as a habitable room unless this use is otherwise permitted by law and complies with the other occupancy provisions in this chapter.
- C. The maximum number of persons living in a habitable room shall not exceed one person for each nine square metres of habitable room floor area.
- D. For the purposes of this section, the minimum height of a habitable room shall be 1.95 metres over at least 1/2 the floor area, and, for the purposes of Subsections E and F, any floor area under a ceiling that is less than 1.4 metres in height shall not be counted in computing the required minimum floor area of a room used for sleeping.
- E. The minimum floor area of a room used by only one person for sleeping shall be six square metres with the room having a minimum dimension on one side of two metres.
- F. The minimum floor area of a room used by two or more persons for sleeping shall be four square metres for each person so using the room.

§ 629-26. Floors, stairs and landings.

- A. Every floor, stair, landing and every appurtenance, surface covering and finish attached to or laid upon it shall be maintained so as to properly perform its intended function and be reasonably smooth and level.
- B. Any repair, replacement or painting required by Subsection A shall be such that the material used shall have a finish and facing similar to that of the original covering.
- C. Floors and floor coverings shall be maintained free from any trip or other hazardous condition and shall be kept in a clean and sanitary condition and free from holes, stains, rubbish and debris.
- D. Floors of rooms in which plumbing fixtures are installed shall be maintained to be reasonably impervious to water and in a condition that permits easy cleaning.

§ 629-27. Walls and ceilings.

- A. Every wall and ceiling shall be maintained clean and free of holes, cracks and damaged and deteriorated surface material, and each repair shall be finished to reasonably match the existing walls or ceilings.
- B. Previously finished walls and other surfaces in public areas of property shall be maintained in good repair and shall be renewed or refinished, when necessary, to maintain a similar appearance.
- C. Marks, stains, graffiti, smoke damage, painted slogans or other similar markings or defacements on previously finished walls and other surfaces in public areas of property shall be removed and the surface refinished.
- D. Where noxious fumes, odours or gases are, or could be, present, all elements of separation shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, odours or gases through the separation.

§ 629-28. Doors, passageways and exits.

- A. Doors, passageways and exits shall be maintained free from hazardous conditions, obstructions and impediments.
- B. Required or provided safety equipment relative to exits and means of egress, such as, but not limited to, door closures, co-ordinating devices, smoke seals and pressurized vestibules, latching devices, hinges, moulding and similar devices shall be maintained in good working order.
- C. Interior doors, their frames, glass panels and hardware shall be maintained in good repair, and all doors shall be of a good fit in their frames.
- D. All doors and hatches to the roof that provide access for the purpose of maintenance shall be kept locked at all times.

§ 629-29. Multiple-dwellings entrances and exits.

- A. In multiple-dwellings where there is a shared entrance:
 - (1) Every door used as an entrance to or exit from the building shall be kept closed and locked and equipped with self-closing and self-locking mechanisms, and the door shall not be secured in an open position except in an emergency situation; and [Amended 2004-06-24 by By-law No. 559-2004]

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- (2) Each dwelling unit shall be connected by a two-way voice communication system and security locking release mechanism to the principal entrance of the building, and:
- (a) A principal entrance terminus of the system shall be located so as to be easily accessible from the exterior of the building when the door at the principal entrance is locked; and
 - (b) The communication system shall not identify a tenant by unit number.
- B. Communication systems between dwelling units and the entrance terminus and all security locking device and release mechanisms connected to the systems shall be maintained in good repair and in operative condition.
- C. If exit doors are used as an exit from a multiple-dwelling containing 10 or more dwelling units, the doors shall be so arranged as to be readily opened without the use of a key in the direction of exit travel, and the exit doors shall be of a type easily identified and operated even in darkness. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. If doors connect dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, the doors shall have dead-bolt locks with a bolt throw of not less than 25 millimetres, and the locks shall be protected with a solid or hardened free-turning ring or bevelled cylinder housing and be of a type that cannot be accidentally locked against entry by closing of the door.
- E. All devices and hardware required under Subsection D, including automatic door closers, shall be installed and maintained in good repair or replaced when removed.
- F. Subsection D does not apply to entrance doors equipped with electronic or electrical locking devices, entrance doors more than two metres above the adjacent grade and not having direct access to grade via stairs, or exit doors not permitted by either the Ontario Fire Code or the Ontario Building Code to have a locking device.
- G. Doors shall afford the occupants of a dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
- H. Shared locker and storage rooms in multiple-dwellings shall have a door that is equipped with a locking device controlling access, and the door shall be kept locked in a closed position except when access is being permitted. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-30. Ancillary rooms.

- A. All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.

- B. Laundry rooms shall be maintained in a clean and sanitary condition, and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- C. All laundry rooms shall have a trapped floor drain connected to the drainage system and capable of adequately draining the floor. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-31. Elevators.

- A. Elevators shall be maintained in a clean condition and certified to be in good working order and in compliance with the *Elevating Devices Act*.²⁵
- B. All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

§ 629-32. Services and utilities.²⁶

- A. No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- B. Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is not²⁷ longer provided.

§ 629-33. Mail.

- A. Every dwelling unit shall have a separate and secure mail box or mail receptacle that is maintained in good repair at all times. **[Amended 2004-06-24 by By-law No. 559-2004]**
- B. If a mail slot provides direct access into a dwelling unit, it shall be designed or located so as to prevent access from the slot to unlock the doorknob or other locking device.

²⁵ Editor's Note: See R.S.O. 1990, c. E.8.

²⁶ Editor's Note: See also Ch. 835, Vital Services, Discontinuance of.

²⁷ Editor's Note: Technical amendment is required to change "not" to "no."

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- C. Access to mail rooms shall be maintained in good repair to ensure the security of the mail

§ 629-34. Kitchen facilities.

- A. Every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to water.
- B. The sink shall be connected to an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.

§ 629-35. Electrical service and outlets.

- A. Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.
- B. The capacity of the system of circuits and electrical outlets within a building shall be adequate for the intended use of all rooms, and adequate electrical outlets shall be installed to prevent the need for extension cords or other extensions being used as a permanent wiring system. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All electrical fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in good working order.

§ 629-36. Lighting.

[Amended 2004-06-24 by By-law No. 559-2004]

- A. Adequate artificial light required to maintain the level of illumination shall be provided at all times.
- B. Interior lighting. **[Amended 2008-04-29 by By-law No. 349-2008]**
 - (1) Within all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial occupancies:

- (a) Every exit other than an exit serving not more than one dwelling unit, public corridor or corridor providing access to exit for the public shall be equipped to provide illumination to an average level of not less than 50 lux at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps.
- (b) Emergency lighting shall be provided in:
 - [1] Exits;
 - [2] Principal routes providing access to exit in an open floor area;
 - [3] Corridors used by the public;
 - [4] Underground walkways; and
 - [5] Public corridors.
- (c) Emergency lighting required in Subsection B(1)(b) shall be provided from a source of energy separate from the electrical supply for the building.
- (d) Lighting required in Subsection B(1)(b) shall be designed to be automatically actuated for a period of not less than 30 minutes when the electric lighting in the affected area is interrupted.
- (e) Illumination from lighting required in Subsection B(1)(b) shall be provided to average levels of not less than 10 lux at floor or tread level.
- (f) Where incandescent lighting is provided, lighting equal to one watt per square metre of floor area shall be considered to meet the requirement in Subsection B(1)(e).
- (g) Where self-contained emergency lighting units are used, they shall conform to CSA C22.2 No. 141-M, "Unit Equipment for Emergency Lighting."
- (h) Every public or service area in buildings, including a recreational camp and a camp for housing of workers, shall have lighting outlets with fixtures controlled by a wall switch or panel.
- (i) When provided by incandescent lighting, illumination required in Subsection B(1) shall conform to Table § 629-36B(1).
- (j) When other types of lighting are used, illumination equivalent to that shown in Table § 629-36B(1) shall be provided.

Table § 629-36B(1)
Lighting for Public Areas
Forming part of Subsection B(1)(i) and (j)

Room or Space	Minimum Illumination (lux)	Minimum Lighting Power Density, watts per square metre of floor area (incandescent lighting)
Storage rooms	50	5
Service rooms and laundry areas	200	20
Garages	50	5
Public water closet rooms	100	10
Service hallways and stairways	50	5
Recreation rooms	100	10
Recreational camps and camps for housing of workers hallways, corridors, stairways and sleeping areas	100	10
Kitchen	500	50
All other rooms	250	25

- (2) Within all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection B(1):
- (a) An exit, a public corridor, a corridor providing access to exit for the public, a corridor serving patients or residents in a care and treatment occupancy or care occupancy, a corridor serving classrooms, an electrical equipment room, a transformer vault and a hoistway pit shall be equipped to provide illumination to an average level not less than 50 lux at floor or tread level and at angles and intersections at changes of level where there are stairs or ramps.

- (b) Rooms and spaces used by the public shall be illuminated as described in Subsection B(1)(h), (i) and (j).
- (c) Elevator machine rooms shall be equipped to provide illumination to an average level of not less than 100 lux at floor level.
- (d) Every place of assembly intended for the viewing of motion pictures or the performing arts shall be equipped to provide an average level of illumination at floor level in the aisles of not less than two lux during the viewing.
- (e) Every area where food is intended to be processed, prepared or manufactured and where equipment or utensils are intended to be cleaned shall be equipped to provide illumination to a level of not less than 500 lux measured at the floor level.
- (f) Every storage room, dressing room, sanitary facility, service area and corridor serving the areas in Subsection B(2)(e) shall be equipped to provide illumination to a level of not less than 300 lux measured at the floor level.
- (g) For shelf and rack storage systems walkways and platforms shall be equipped to provide illumination to an average level not less than 50 lux at floor or tread level and at angles and intersections at changes of level where there are stairs or ramps.
- (h) Emergency lighting shall be provided to an average level of illumination not less than 10 lux at floor or tread level in:
 - [1] Exits;
 - [2] Principal routes providing access to exit in an open floor area and in service rooms;
 - [3] Corridors used by the public;
 - [4] Corridors serving patients' or residents' sleeping rooms in a care and treatment occupancy or care occupancy;
 - [5] Corridors serving classrooms;
 - [6] Underground walkways;
 - [7] Public corridors;
 - [8] Floor areas or parts of them where the public may congregate in assembly occupancies intended for the production and viewing of the performing arts or other assembly occupancies, having an

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occupant load of 60 or more, other than arena-type or open-air assembly occupancies;

[9] Floor areas or parts of them in day-care centres where persons are cared for;

[10] Food preparation areas in commercial kitchens;

[11] Principal routes providing access to exit in a floor area that is not subdivided into rooms or suites of rooms served by corridors in a business and personal services occupancy, a mercantile occupancy or an industrial occupancy; and

[12] Internal corridors or aisles serving as principal routes to exits in a business and personal services occupancy, a mercantile occupancy or an industrial occupancy that is subdivided into rooms or suites of rooms, and is not served by a public corridor.

(i) Emergency lighting to provide an average level of illumination of not less than 10 lux at floor or catwalk level shall be included:

[1] In a service space in which facilities are included to permit a person to enter and to undertake maintenance and other operations; and

[2] On a shelf and rack storage system, which includes walkways, platforms, unenclosed egress stairs and exits providing means of egress.

(j) The minimum value of the illumination required by Subsection B(2)(h) and (i) shall be not less than one lux.

(k) In addition to the requirements of Subsection B(2)(h) to (j), the installation of battery-operated emergency lighting in health care facilities shall conform to the appropriate requirements of CSA Z32, "Electrical Safety and Essential Electrical Systems in Health Care Facilities."

C. For parking lots, walkways, stairs, porches, verandas, loading docks, ramps or other similar areas, a minimum level of illumination of 10 lux (0.90 foot-candle) at ground or tread level and at angles and intersections at changes of level where there are stairs or ramps. **[Added 2008-04-29 by By-law No. 349-2008]**

D. Interior and exterior lighting fixtures and lamps shall be installed and maintained so that the work, operations or activities normally carried out in or about any part of the property can be undertaken in safety and without undue eye strain.

- E. All standards supporting artificial lights, lighting and the connections to lighting shall be kept in a safe and clean condition, in good repair and in good working order.
- F. All lighting fixtures shall be protected from damage, and, if necessary to protect a lighting fixture from damage, the lighting fixture shall be protected by the provision of wired glass or other suitable means of protection, and the fixtures and protective material shall be maintained in a clean condition. **[Amended 2008-04-29 by By-law No. 349-2008]**
- G. For purposes of Subsection A, “floor level” means the lower surface of a room, but in the case of stairs, means any area along the staircase, and in the case of an outdoor area, includes ground level.
- H. Motion sensor controlled switches. **[Added 2010-08-27 by By-law No. 974-2010]**
 - (1) All interior lighting installed to provide the minimum level of illumination required by this chapter may be on circuits controlled by motion sensor controlled switches, except where the lighting circuit is:
 - (a) For an exit, including an exit stairway.
 - (b) Required to conform to Subsection B(2)(d).
 - (c) For emergency lighting.
 - (2) A motion sensor controlled switch permitted under Subsection H(1) shall:
 - (a) Be designed for fail-safe operation so that if the motion sensor controlled switch fails, the electrical fixture that it controls activates.
 - (b) Be of a type, the operation of which is not impaired by the presence of smoke.
 - (c) Control an area that is not more than 240 square metres.
 - (d) If the illumination is for an access to exit:
 - [1] Maintain an average level of illumination of 10 lux at all times.
 - [2] Except as required under Subsection H(2)(d)[1], maintain the illumination within its area of control active for not less than 15 minutes after the activity that caused the lighting to activate has stopped or left its area of control.
 - (e) If the illumination is for a space that is an access to exit from a residential area:
 - [1] Activate all lighting between vertical partitions in the space.

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[2] Activate all lighting within the space within two seconds of any movement either in or directly related to the area controlled by the motion sensor control switch.

(f) Provide coverage to all of the space so that there are no null zones.

§ 629-37. Plumbing; water and sanitary facilities.

[Amended 2004-06-24 by By-law No. 559-2004; 2008-04-29 by By-law No. 349-2008; 2009-05-27 by By-law No. 570-2009²⁸]

A. All plumbing systems shall be maintained so that:

- (1) All drain, waste and vent piping, plumbing fixtures and appurtenances contained in the plumbing system are connected to a sanitary sewage system;
- (2) All water piping is connected to the municipal water service system; and
- (3) The plumbing system is kept in good working order, free from leaks or defects, protected from freezing and kept in a clean and sanitary condition.

B. Every dwelling unit shall have an adequate supply of potable and running hot and cold water from a source approved by the Medical Officer of Health.

C. Hot water supply and temperature control.

- (1) Where a hot water supply is required by Subsection B, equipment shall be installed to provide to every dwelling unit an adequate supply of service hot water with a temperature range from 45 degrees Celsius to 60 degrees Celsius.
- (2) Except as provided in Subsection C(3), the maximum temperature of hot water supplied by fittings to fixtures in a residential occupancy shall not exceed 49 degrees Celsius.
- (3) Subsection C(2) does not apply to hot water supplied to installed dishwashers or clothes washers.
- (4) A water distribution system supplying hot water to any bathtub, shower or hand basin that is accessible to a patient or resident in a care and treatment occupancy, a care occupancy, a resident of a group home, home for special care or residence for developmentally handicapped adults shall have one or more temperature gauges and control devices that are:
 - (a) Accessible only to supervisory staff; and
 - (b) Capable of being adjusted to ensure that the temperature of the water supplied to the fixtures does not exceed 49 degrees Celsius.

²⁸ Editor's Note: This by-law came into force 2009-07-27.

- D. Every dwelling unit shall have at least one toilet, one wash basin, and one bathtub or shower.
- E. All plumbing fixtures provided under Subsection D shall be connected with an adequate supply of potable, hot and cold running water, except that any water closet only needs to be connected to a cold water supply.
- F. A toilet equipped with adequate running water shall be installed, located and equipped to afford privacy.
- G. A properly connected wash basin shall be located in or adjacent to every room that contains a toilet or urinal.
- H. Basements or cellars that have concrete floors shall have an adequate number of trapped floor drains that are maintained in good repair and connected to the sewage system.
- I. The trapped floor drains required under Subsection H shall be screened with a metal grill or other suitable material so as to effectively exclude rodents.
- J. All sanitary facilities shall be kept clean and neat at all times.
- K. Any separate male or female sanitary facility in a building with a mercantile occupancy of more than 300 square metres (3,230 square feet) or an established occupancy load of more than nine persons, that is provided or required for public use under the Building Code, predecessor legislation or another Act, shall have the following signs:
 - (1) Schedules A-4 and A-5 signs.
 - (a) A sign posted on the door or entrance to the sanitary facility in a conspicuous manner, that clearly indicates if it is a male or female sanitary facility and incorporates the universal symbol for male or female washrooms as described in Schedule A-4, at the end of this chapter; and
 - (b) Directional signs, as described in Schedule A-5, at the end of this chapter, shall be displayed at one or more customer service counters, attendant stations or cash register areas so that the location of the sanitary facilities within the building or the part of the building with a mercantile occupancy is prominently displayed; or
 - (2) Other signage that incorporates the universal male and female symbols for washrooms and is to the satisfaction of the Executive Director, Municipal Licensing and Standards, in meeting the general intent of the signage requirements of this subsection.

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- L. For greater certainty, if Subsection K applies to a sanitary facility, the owner's duty under § 626-5B includes ensuring that the sanitary facility is available for the use of the mercantile occupancy's customers at all times that the mercantile occupancy is open to the public for business.
- M. Subsection L does not apply when a mercantile occupancy is staffed by a single operator or attendant, and complying with the availability requirements in Subsection L would cause a security problem.

§ 629-38. Heating and air conditioning.²⁹

- A. Every heating and air-conditioning system or unit shall be kept in good repair and maintained in good working condition at all times relevant to the operation of that system.
- B. Every dwelling and every dwelling unit shall have a heating system capable of maintaining a room temperature of 21 degrees Celsius at 1.5 metres above the floor level in all habitable rooms, bathrooms and toilet rooms. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment directly from the outside air.
- D. Auxiliary heaters shall not be used as a permanent source of heat.
- E. Fireplaces and other solid-fuel-burning appliances shall be connected to a smoke pipe, chimney flue or gas vent that shall be installed and maintained in good repair.
- F. All air-conditioning systems shall be operated from June 2 to September 14 so as to maintain an indoor temperature of not more than 26 degrees Celsius.
- G. All air conditioners and other water-cooled equipment shall be equipped with proper devices for the prevention of condensation drainage or discharge onto sidewalks, walkways, driveways and entrance areas or other areas used for pedestrian or vehicular traffic.
- H. The devices provided under Subsection G shall be configured so as not to cause damage to the walls or foundations or other parts of a building.

§ 629-39. Ventilation.

- A. Adequate ventilation shall be provided to all areas of a building, and every ventilation system or unit shall be regularly cleaned, kept in good repair and maintained in good working condition at all times to ensure its proper operation.

²⁹ Editor's Note: See also Ch. 497, Heating.

- B. If a system of mechanical ventilation is used in a dwelling, the system shall be capable of completely changing the air in all rooms at least once per hour.
- C. Ventilation shall be provided and maintained for every sanitary convenience room, either by means of natural ventilation through openings directly to the outside air that are not less than 0.09 square metre in size for each toilet and for each urinal, or by means of mechanical ventilation that is capable of completely changing the air in the room at least once per hour.
- D. If a system of mechanical ventilation is operated that exhausts noxious fumes, gases, dust or sawdust from a non-residential building, the discharge from the system shall terminate above the roof line of the building and not less than three metres clear of any skylight, window, ventilation or other opening into a building, and the system shall be operated in such a way as not to constitute a nuisance.
- E. If noxious fumes or gases are or could be present in a mixed-use building, ventilation shall be provided to remove the noxious fumes or gases, and all surfaces separating the non-residential portion from the residential portion of the building shall be of gas-tight construction and maintained in a good state of repair to effectively prevent the passage of noxious fumes or gases through the separation.
- F. A parking or storage garage that has a capacity for more than five vehicles shall have a mechanical ventilation system capable of providing a supply of fresh air, and the system shall remain on at all times unless otherwise controlled automatically by a carbon monoxide detection system that is located so as to provide full protection.
- G. Subsection F does not apply to an open-air storey of a parking or storage garage, if at least 25 percent of the total area of the perimeter walls of the storey is open to the outdoors in a manner that will provide cross ventilation to the entire storey.

§ 629-40. Parking or storage garages.

- A. The walls, floors, ceilings and columns of every parking or storage garage shall be maintained free of holes, breaks or cracks, and impervious to water.
- B. If a parking or storage garage has a common entrance and a capacity for more than five vehicles, it shall be painted as follows, and all painted surfaces shall be maintained in a state of good repair and reasonable cleanliness:
 - (1) Every ceiling, wall and column shall be painted white from 60 centimetres above floor level; and
 - (2) The remaining portion of the wall and the column from floor level to a height of 60 centimetres shall be painted black. **[Amended 2004-06-24 by By-law No. 559-2004]**

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- C. No machinery, boats, vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or junk or rubbish shall be kept or allowed to remain in a parking or storage garage.

§ 629-41. Garages doors; exit doors.

- A. If a garage door allows for vehicular ingress or egress from a parking or storage area, and is equipped with an automatic closing mechanism, the garage door shall be equipped with a sensing device that does not allow the door to close when any person, animal or object is crossing its path.
- B. Except as provided in Subsection C, every parking or storage garage shall be served by not fewer than two pedestrian exit doors.
- C. In a building of not more than two storeys in building height, a parking or storage garage may be served by one pedestrian exit door if:
- (1) The floor area of the storage garage is 200 square metres or less;
 - (2) The maximum travel distance from any point within the parking or storage garage to the exit is 25 metres or less; and
 - (3) The occupant load served by the exit is not more than 60 persons.
- D. Every pedestrian exit door referred to in Subsection B:
- (1) Shall be designed and installed to open in the direction of exit travel and shall swing on its vertical axis;
 - (2) Shall have a reliable self-closing mechanism, and shall not at any time be secured in an open position; [**Amended 2004-06-24 by By-law No. 559-2004**]
 - (3) Shall be designed and installed so that, when the latch is released, the door will open easily in the direction of exit travel;
 - (4) Shall, except as permitted in Subsection D(5), be equipped with fastenings that allow the door to be readily opened from the inside without requiring keys, special devices or specialized knowledge of the door's opening mechanism; and
 - (5) May incorporate an electromagnetic locking device that does not incorporate latches, pins or similar devices to keep the door in the closed position if the following conditions are met:
 - (a) The building is equipped with a fire alarm system conforming to the Ontario Building Code;
 - (b) The locking device is installed as an ancillary device to the fire alarm:

- [1] Upon activation of the fire alarm signal;
 - [2] In the event of a power failure or ground fault; and
 - [3] Upon actuation of a manually operated switch accessible only to authorized personnel manning a central control facility at all times that the building is occupied;
- (c) A manually activated signalling box for the fire alarm system is located on the wall not more than 600 millimetres from the door;
 - (d) If, upon release, the locking device must be reactivated manually by the actuation of the switch in Subsection D(5)(b)[3];
 - (e) A legible sign having the words EMERGENCY EXIT UNLOCKED BY FIRE ALARM is permanently mounted on the exit door; and
 - (f) The lettering on the sign required in Subsection D(5)(e) is 25 millimetres high with a five-millimetre stroke.
- E. If more than one pedestrian exit door is required from a parking or storage garage, the exit doors shall be located so that the travel distance to at least one exit door shall not be more than:
- (1) Sixty-one metres in any parking or storage garage that is an open parking or storage garage of not more than 10,000 square metres in building area and where no alternative use is made above the garage;
 - (2) Forty-five metres in any parking or storage garage that is equipped with a sprinkler system; and
 - (3) Thirty metres in any parking or storage garage that is not equipped with a sprinkler system.
- F. In Subsection E, “travel distance” means the distance from any point in the floor area to an exit measured along the path of exit travel.
- G. Pedestrian exit doors shall be located and arranged so that they are clearly visible or their locations are clearly indicated and they are accessible at all times.
- H. Every door providing access to a parking or storage garage used or intended for use exclusively by the residents of a multiple-dwelling for the storage or parking of motor vehicles shall be equipped with:
- (1) A latch that will prevent entry to the garage except by the use of a key, coded card or similar device; and
 - (2) A self-closing device designed to return the door to the closed and latched position after each use.

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- I. If there is any conflict between Subsection H and the Ontario Fire Code or the Ontario Building Code, the Codes prevail.
- J. If an exit door required under this section does not open directly to the outside of a building, the exit door must incorporate wired glass panels over 50 percent of its surface unless it is also a door which is required to have a fire protection rating, in which case it must incorporate the maximum coverage of wired glass panels allowed by the Ontario Building Code.
- K. If it is necessary to pass through a required exit door to obtain access to a lockable entrance door to the building, all doors through which a person must pass or pass by from the first required exit door to the outside of the building, except the lockable entrance door and the door opening directly to the outside, must incorporate wired glass panels over 50 percent of their surfaces.
- L. If a door is required to incorporate wired glass panels under Subsection J or K, the door shall conform with any requirements of the Ontario Building Code and the Ontario Fire Code.

§ 629-42. Garage exit door signs.

- A. For the purposes of this section, the following terms shall have the meanings indicated:

ALERT SIGN — The sign described in the diagram in Schedule A-1, at the end of this chapter.

LARGE SAFE-EXIT ARROW — The sign described in Schedule A-2, at the end of this chapter.

SAFE-EXIT DOOR — A door leading to or constituting a required exit from a storage garage required and installed under the *Ontario Building Code Act, 1992*,³⁰ the Ontario Building Code, any by-law respecting the construction of buildings passed under a predecessor of the *Ontario Building Code Act, 1992* or this chapter.

SAFE-EXIT ROUTE — A route in the storage garage from the parking stalls to a safe-exit door having less than five safe-exit route decision points.

SAFE-EXIT ROUTE DECISION POINT — The point along the safe-exit route where there is more than one option in the direction of travel.

SMALL SAFE-EXIT ARROW — The sign described in Schedule A-3, at the end of this chapter.

- B. In Schedules A-1, A-2 and A-3 at the end of this chapter, if a paint colour number is provided, for example, “GREY BODY (17178),” the part of the sign indicated shall

³⁰ Editor’s Note: See S.O. 1992, c. 23.

be coloured to match the colour indicated by that number in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck.

- C. Large safe-exit arrows shall be displayed on safe-exit doors 1.5 metres above the floor, measured from the centre of the arrow to the floor, with the arrow pointing down.
- D. Where the placing of the arrows would have the effect of covering all or part of the glazed portion of an exit door, the arrow may be displayed in an alternate location if the location has been approved by the officer as meeting the general intent of this requirement.
- E. All parking or storage garages shall have safe-exit routes designated in accordance with the provisions of this chapter.
- F. Small safe-exit arrows shall be prominently displayed on columns or walls 1.5 metres above the floor, measured from the centre of the arrow to the floor:
 - (1) At least every 10 metres along the safe-exit route;
 - (2) At all safe-exit route decision points along the safe-exit route; and
 - (3) Wherever a safe-exit route crosses a traffic aisle.
- G. A safe-exit door, the frame of a safe-exit door and the wall adjacent to the safe-exit door to a distance of one metre on both sides of the frame and to a height of three metres above the floor or to the soffit above the bulkhead over the door, shall be coloured green to match the colour indicated by number 14193 in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck. **[Amended 2004-06-24 by By-law No. 559-2004]**
- H. Alert signs shall be prominently displayed on columns or walls 2.1 metres above the floor, measured from the top of the sign to the floor, so that there is one alert sign for every 25 parking stalls in the parking or storage garage, with the alert signs being evenly distributed in the parking or storage garage, but located not more than 30 metres apart.

ARTICLE V

Heritage Property Standards

[Added 2007-09-27 by By-law No. 1027-2007³¹]

§ 629-43. Definitions.

As used in this article, the following terms shall have the meanings indicated:

³¹ Editor's Note: This by-law also redesignated former Art. V, Transition, as Art. VI, and former § 629-43, Transition, as § 629-50.

HERITAGE ATTRIBUTES:

- 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:
- (1) In a by-law designating a property passed under section 29 of the *Ontario Heritage Act*³² and identified as heritage attributes, values, reasons for designation, or otherwise;
 - (2) 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;
 - (3) In a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise; or
 - (4) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, 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.

PART IV HERITAGE PROPERTY — Real property, including all buildings and structures thereon, that has been designated by the City under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.³³

PART V HERITAGE PROPERTY — Real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under section 41 of the *Ontario Heritage Act*.³⁴

PROPERTY — 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, Part IV Heritage Properties and Part V Heritage Properties.

³² Editor's Note: See R.S.O. 1990, c. O.18.

³³ Editor's Note: See R.S.O. 1990, c. O.18.

³⁴ Editor's Note: See R.S.O. 1990, c. O.18.

§ 629-44. Minimum standards.

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.

§ 629-45. Repair of heritage attributes.

- A. 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:
 - (1) In a manner that minimizes damage to the heritage values and attributes;
 - (2) In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
 - (3) 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
 - (4) 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.

§ 629-46. Replacement of heritage attributes.

- A. Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property cannot be repaired, the heritage attribute shall be replaced:
 - (1) Using the same types of material as the original;
 - (2) 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; and
 - (3) In such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute.

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§ 629-47. Clearing and levelling of heritage properties.

Despite any other provision of this chapter, or the *Building Code Act, 1992*,³⁵ no building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.³⁶

§ 629-48. Vacant and damaged designated heritage properties.

- A. Despite § 629-24D, where a Part IV heritage property or a 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 caused by environmental conditions.
- B. Despite § 629-24B, the owner of a vacant Part IV heritage property or a Part V heritage property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons and by closing and securing openings to the building with boarding:
- (1) That completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (2) That is fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible;
 - (3) In a manner that minimizes visual impact.
- C. Despite § 629-24B(2), 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 required by a Municipal Standards Officer.

§ 629-49. Conflict.

If there is a conflict between this section and any other provision in this chapter or any other City by-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

³⁵ Editor's Note: See S.O. 1992, c. 23.

³⁶ Editor's Note: See R.S.O. 1990, c. O.18.

ARTICLE VI
Transition

§ 629-50. Transition.

- A. A by-law listed in Section 45³⁷ continues to apply for purposes of any notice or order given under the by-law until the work required by the notice or order is completed or any other enforcement proceedings in respect of the notice or order have been concluded.
- B. Where a person is alleged to have contravened a by-law listed in Section 45 before the date this chapter comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.
- C. A reference to a by-law listed in Section 45 in a former municipality's by-law shall be deemed to be a reference to this chapter.
- D. If an appeal of an order made under subsection 15.2(2) of the *Building Code Act, 1992*³⁸ to the Housing Standards Committee of the former City of Toronto or the Property Standards Committees of the former municipalities of the Borough of East York and the Cities of Etobicoke, North York, Scarborough and York has not been heard before January 1, 2002, the appeal shall be heard by a committee hearing panel that is responsible for all or part of the geographic area in which the property is located. [Added 2001-12-06 by By-law No. 1068-2001³⁹]

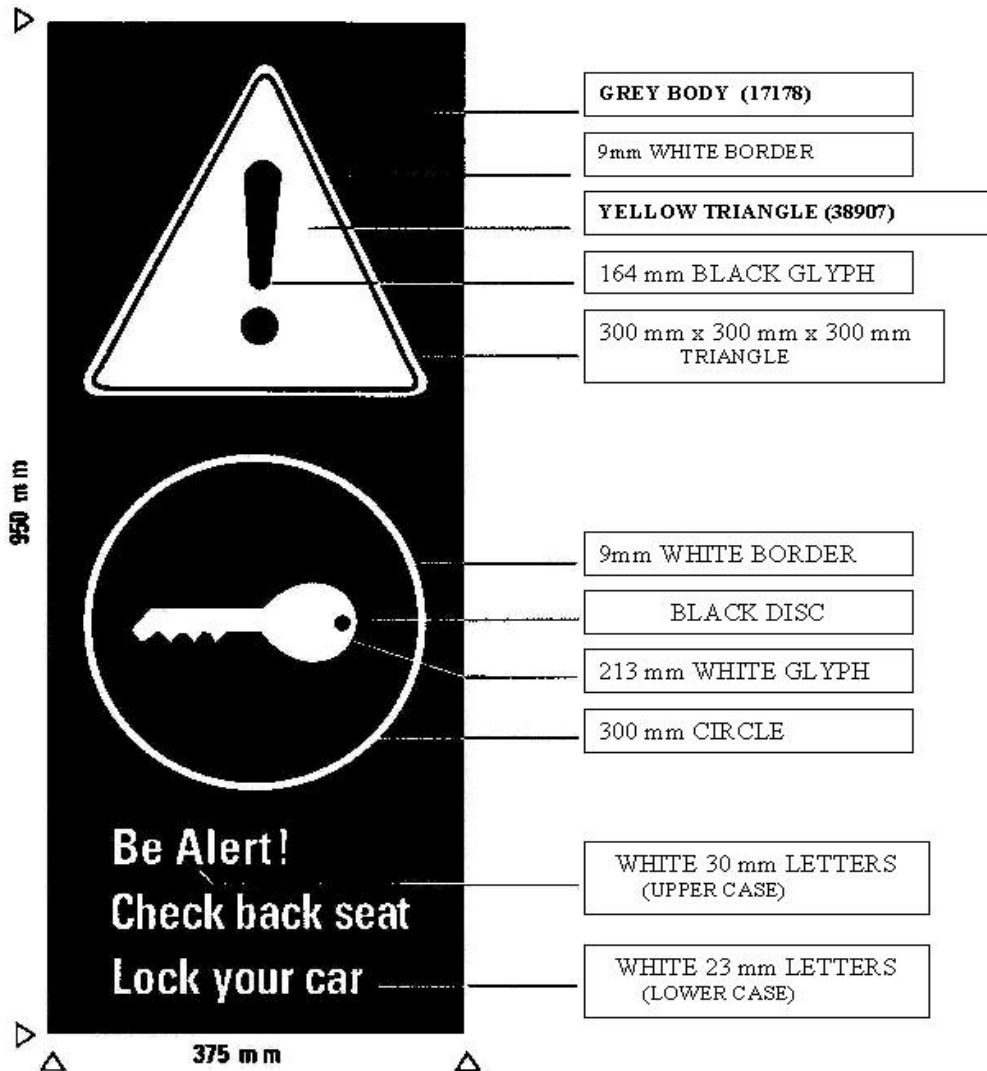
³⁷ Editor's Note: Section 45 listed all other by-laws repealed by this by-law. Upon codification, the information on repealed by-laws is set forth in a footnote off the chapter history.

³⁸ Editor's Note: See S.O. 1992, c. 23.

³⁹ Editor's Note: This by-law came into force 2002-01-01.

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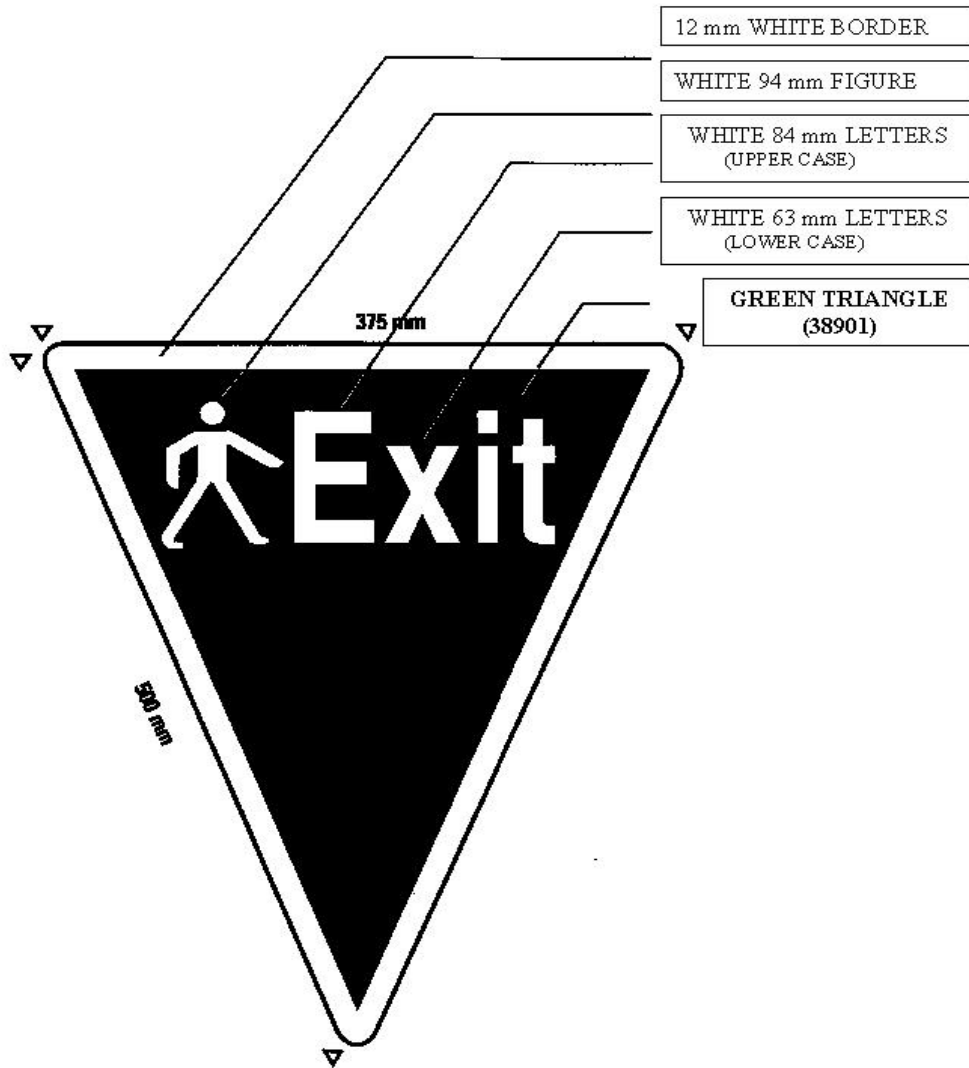
SCHEDULE A-1 TO CH. 629
ALERT SIGN



SCHEDULE A-1 ALERT SIGN

TORONTO MUNICIPAL CODE
PROPERTY STANDARDS

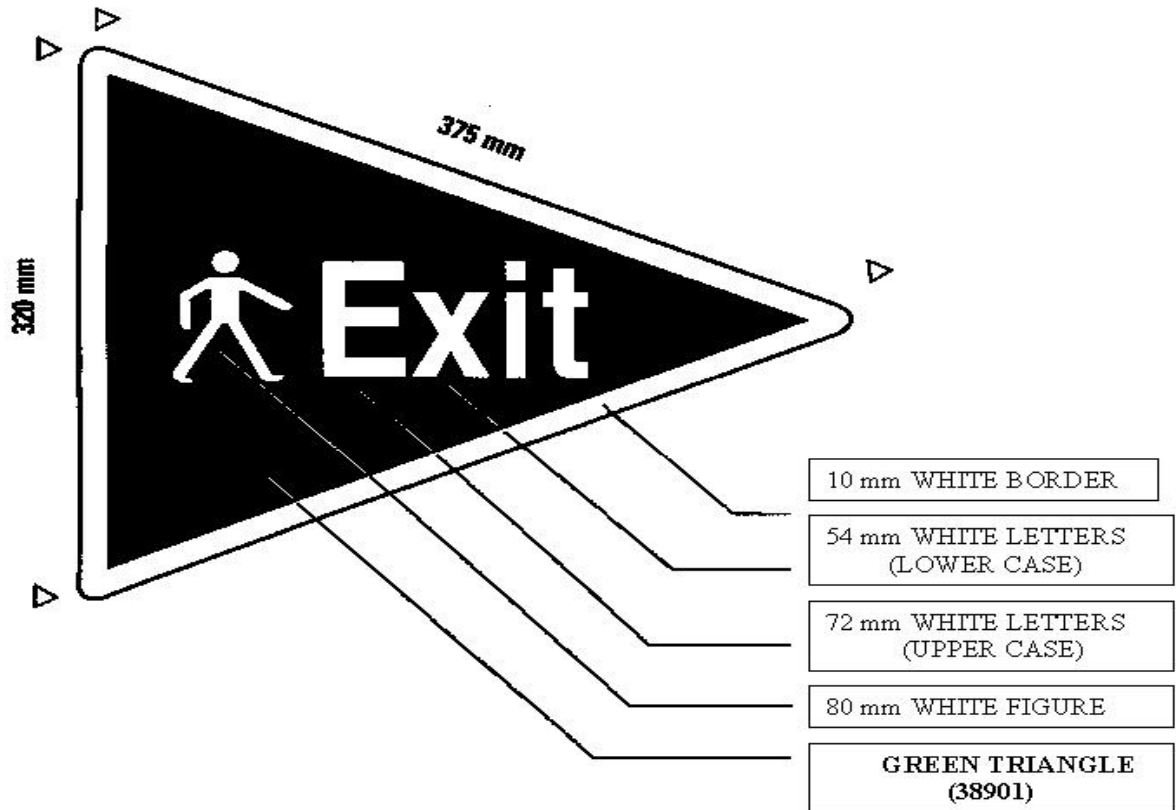
**SCHEDULE A-2 TO CH. 629
LARGE SAFE-EXIT ARROW**



SCHEDULE A-2 LARGE SAFE-EXIT ARROW

TORONTO MUNICIPAL CODE
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SCHEDULE A-3 TO CH. 629
SMALL SAFE-EXIT ARROW

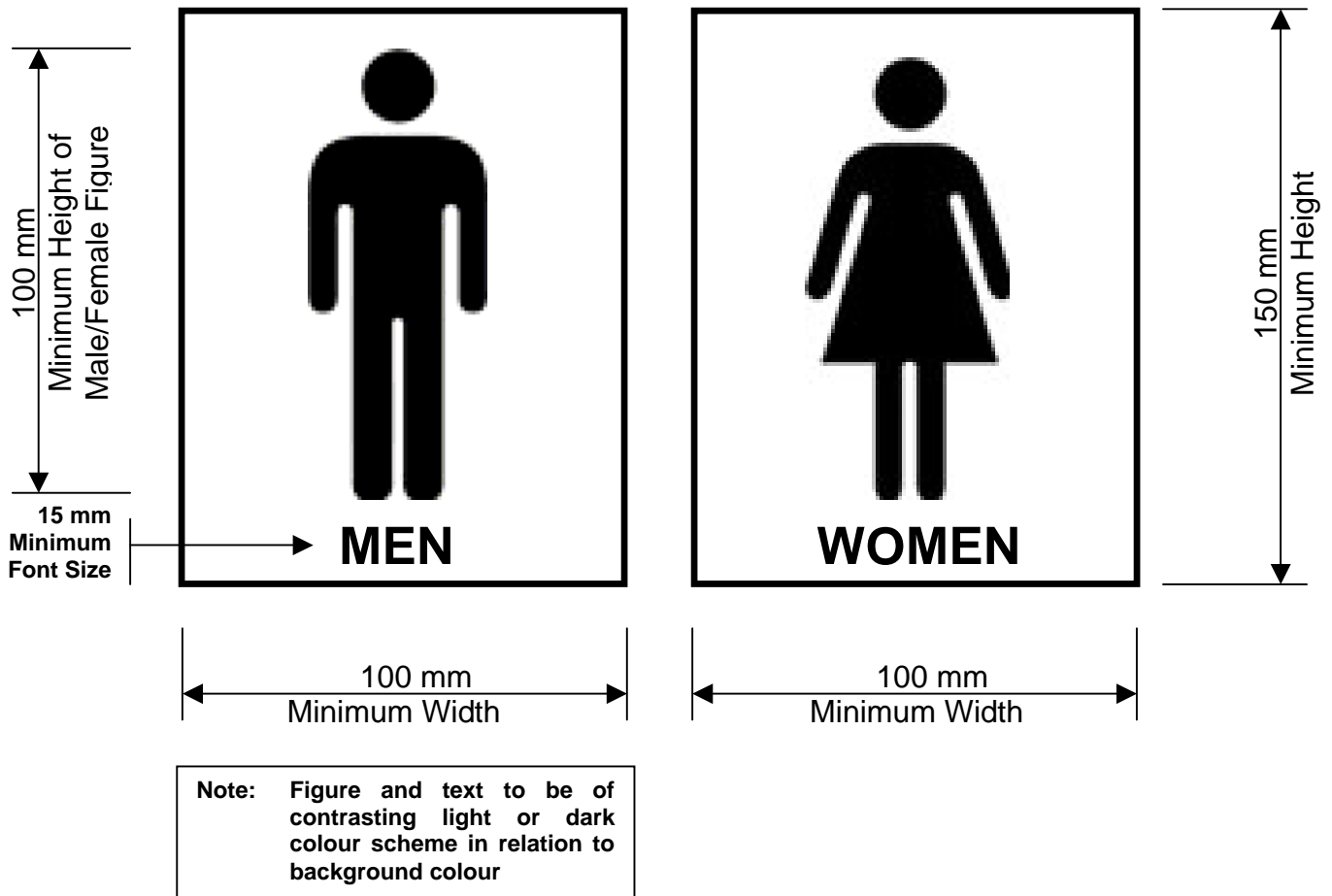


SCHEDULE A-3 SMALL SAFE-EXIT ARROW

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SCHEDULE A-4 TO CH. 629
UNIVERSAL WASHROOM SYMBOLS

[Added 2009-05-27 by By-law No. 570-2009⁴⁰]

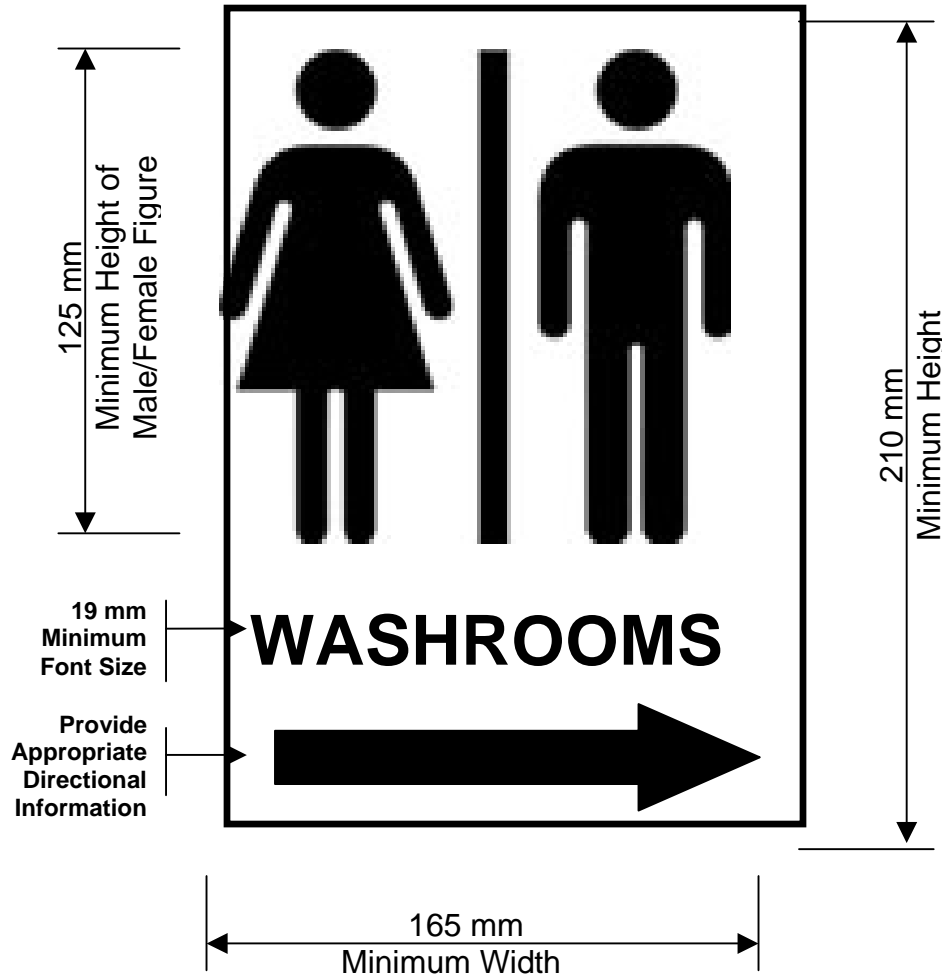


⁴⁰ Editor's Note: This by-law came into force 2009-07-27.

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SCHEDULE A-5 TO CH. 629
DIRECTIONAL WASHROOM SIGN

[Added 2009-05-27 by By-law No. 570-2009⁴¹]



Note: Figures and text to be of contrasting light or dark colour scheme in relation to background colour

⁴¹ Editor's Note: This by-law came into force 2009-07-27.