

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2180

MAINTENANCE OF PROPERTY BYLAW

**MAINTENANCE OF PROPERTY BYLAW
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CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2180

A Bylaw for prescribing standards for the maintenance of real property.

WHEREAS Council may by bylaw, pursuant to Sections 734 and 932 of the *Municipal Act* adopt maintenance of real property regulations and a bylaw for the purposes of preventing unsightliness on real property;

AND WHEREAS, THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT deems it to be in the public interest to establish such measures.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as the "MAINTENANCE OF PROPERTY BYLAW, 1996, NO. 2180".

PART 100

TITLE AND INTERPRETATION

2. **Definitions**

"**Bathing Fixture**" means either a bathtub or shower with hot and cold water connected thereto;

"**Bathroom**" means a room containing *at least* one water closet (toilet), one hand basin, one bathing fixture, and constructed so that complete privacy is available to the user;

"**Cooking Facility**" means an appliance in or upon which food may be heated;

"**Dwelling Unit**" means one or more structurally separate rooms, used as a unit for the residential accommodation of one family, and containing sleeping, cooking and toilet facilities.

"**Hand Basin**" means a plumbing fixture primarily intended for the washing of hands, with hot and cold water connected thereto;

"**Inspector**" means those persons designated by bylaw or resolution of Council for the purpose of administering this Bylaw;

"**Occupancy**" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

"**Real Property**" means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

"**Residential Premises**" means a dwelling unit used for residential purposes and includes, without limiting the above,

- (a) a manufactured home
- (b) a manufactured home pad
- (c) caretakers premises, and
- (d) employment premises;

"**Sanitary Facilities**" means any water closet, urinal, bathtub, shower or hand basin;

"**Sink**" means a plumbing fixture, primarily intended for the washing of dishes and

utensils, with hot and cold water connected thereto;

“Tenancy Agreement” means an agreement, whether written or oral, expressed or implied, having a predetermined expiry date or not, between a landlord and tenant respecting possession of residential premises and the occupation of a room or premises in a hotel;

"Unsafe Condition" means any condition that could cause a hazard to life, limb or health of any person authorized or expected to be on or about the premises;

"Yard" means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

3. **Severability**

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

4. **Application**

Parts 100 through 400 apply to all residential premises which are subject to a tenancy agreement.

Part 500 of this Bylaw applies to all real property (including the surface of water) within the boundaries of the Corporation of the Township of Esquimalt, subject to Provincial and Federal enactments.

5. **Duty of Care**

This Bylaw does not create any duty of care whatsoever on the Municipality, the Council Members, Officers, Inspectors or any employees or agents of the Municipality in respect of:

- (1) inspections made by the Inspector or failure to make such inspections, or
- (2) the enforcement or failure to enforce the provisions of this Bylaw

6. **Cause of Action**

Neither the failure to make inspections, administer, enforce, any errors, omissions, neglect, incomplete or inadequate inspections, administration or enforcement of this bylaw shall give cause of action in favour of any person, including the Owner.

7. **Administrative Directions**

Words defining the responsibilities and authority of the Inspector shall be construed to be an internal administrative direction and not as creating a duty.

8. **Owners Responsibility**

It is the responsibility of the owner and the occupiers of all real property which is subject to this Bylaw to ensure that the real property conforms with this Bylaw.

If an Owner is required to do repairs to the building or structure located on the real property, the repairs must conform to the Township of Esquimalt Building and Plumbing Bylaw.

PART 200

ADMINISTRATION AND ENFORCEMENT

1. **Authorization**

The Inspector is hereby authorized to undertake the administration and enforcement of this Bylaw.

2. **Right of Entry**

The Inspector is authorized entry on any real property that is subject to this Bylaw, at all reasonable times, in order to ascertain whether the requirements of this Bylaw are being met. Notwithstanding, where the real property that is subject to inspection is an occupied dwelling unit, he shall first obtain the consent of the occupant, or the occupant shall first have been given 24 hours notice of the Inspector's intention to inspect the dwelling unit.

3. **Identification**

All Inspectors entering private property shall be in possession of credentials to identify them as duly authorized representative(s) of the Municipality.

4. **Notice**

The Inspector may give notice in accordance with this part to the Owner and to the occupier, directing that a failure to conform with the standards in this Bylaw be corrected.

5. **Form and Content of Notice to Comply to Bylaw Standards**

Each notice:

- (1) Shall be served on the persons specified in Section 6 and in the manner prescribed in Section 5.
- (2) Shall describe the real property by
 - (a) name of owner,
 - (b) Municipal address or location, and
 - (c) legal description.
- (3) Shall state that the real property fails to conform to the standards prescribed in this Bylaw.

- (4) Shall give reasonable particulars of the repairs or other actions required.
- (5) Shall state a reasonable time within which the repairs or other actions are to be effected from the date of service of the notice.

6. **Service of Notice to Comply**

A copy of notice to comply shall be served upon the Owner of the real property or the owner's agent and where the real property is not occupied by the Owner, upon an occupier of the real property.

7. **Mode of Service**

Service of the notice to comply may be personal or by registered mail.

8. **Tenants Information**

Tenants will be informed:

- (1) that a notice has been served upon the owner, and
- (2) of the date by which the works are directed to be carried out.

9. **Failure to Comply**

- (1) Any real property Owner who fails to comply with a notice as described in Section 4 and served as detailed in Section 5 shall be considered to be in contravention of this Bylaw. Council may order the work to be carried out in accordance with Section 936 of the Municipal Act.

10. **Obstruction of Inspector**

No person shall prevent or obstruct any Inspector from carrying out the Inspector's powers and duties under this bylaw.

11. **Offence and Penalty**

- (1) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, commits an offence, and shall be liable to the penalties hereby imposed.
- (2) Any person who violates any of the provisions of this bylaw shall be liable upon summary conviction to a penalty of not more than ten thousand dollars (\$10,000).

- (3) Each day that violation of this bylaw is caused to continue constitutes a separate offence.

12. **General Duties and Obligations**

- (1) No person shall rent or offer to rent any rental accommodation that does not comply with the Bylaw.
- (2) The owner of any rental accommodation shall either repair and maintain the dwelling in accordance with the standards in this Bylaw, or demolish the whole or the offending part of any accommodation that is not in accordance with the standards in this Bylaw.
- (3) All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose, and in compliance with all applicable Bylaws.

13. **Compliance with Other Bylaws**

Compliance with this Bylaw does not nullify the responsibility of owners to comply with all other municipal bylaws and regulations.

PART 300

MINIMUM STANDARDS FOR DWELLING UNITS

1. **Occupancy**

Occupancy of any dwelling unit or room within a dwelling unit shall conform to the B.C. Building Codes;

2. **Egress**

Every dwelling unit shall have continuous and unobstructed exit from the interior of the building to the exterior ground levels;

3. **Light**

The minimum glass area for rooms within dwelling units shall conform to the B.C. Building Code.

4. **Pest Prevention**

A dwelling unit shall be kept free of rodents, vermin and insects except those kept as pets in a cage or other enclosure.

PART 400

GENERAL MAINTENANCE STANDARDS

1. **Structural Integrity**

Buildings and their structural members shall be maintained in good repair and in a manner that provides sufficient structural integrity so as to sustain safely its own weight and any additional loads and influences to which it may be subjected through normal use.

2. **Foundations**

Foundation walls and other supporting members shall be maintained in good repair so as to control the entrance of moisture.

3. **Exterior Walls**

- (1) Exterior walls, parapet walls, and their components shall be maintained without limitation, including:
 - (a) good repair;
 - (b) weather tight;
 - (c) free from loose or unsecured objects and materials, and;
 - (d) in a manner so as to prevent or retard deterioration due to weather or infestations, etc.
- (2) Canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained in good repair, properly and safety anchored and protected against deterioration and decay by the periodic application of a weathercoating material such as paint or other protective treatment, unless constructed of materials inherently resistant to deterioration.
- (3) Exterior wall facings, projections, cornices and decorative features shall be maintained in good repair, safely and properly anchored.

4. **Exterior Doors and Windows**

- (1) Exterior doors, and windows, skylights, and hatchways shall be maintained in good repair and weather tight.
- (2) Openings in exterior walls, other than doors and windows, shall be effectively sealed to prevent the entry of rodents, insects or vermin.
- (3) Latching and locking devices on exterior doors and windows shall be maintained in good working order.
- (4) Doors providing automobile access to parking garages for residential parking shall be:
 - (a) maintained at all times in good working order and repair, and
 - (b) kept locked or otherwise inoperable except when in use by authorized users.

5. **Roof and Drainage**

- (1) The roof of every building, including the flashing, fascia, soffit, flashing and cornice shall be maintained in a weather tight condition so as to prevent leakage of water into the building.
- (2) Eavestroughs and downspouts shall be kept in good repair, and free from leaks.
- (3) All roof drain down spouts which are not connected to a storm sewer shall be maintained such that soil erosion is prevented.

6. **Stairs, Balconies and Porches**

- (1) Stairways, balconies or porches and landings in, on or appurtenant to a building shall be maintained:
 - (a) in a safe and clean condition;
 - (b) in good repair, and;
 - (c) free from holes, cracks, excessive wear and warping, and hazardous obstructions.
- (2) Handrail and Guards shall be maintained in good repair. Handrails and guards that are replaced shall conform to the *B.C. Building Code*.

7. **Elevators**

- (1) Every elevator in any building shall be maintained in an operational condition

at all times in accordance with the *Elevating Devices Safety Act*.

8. **Basements**

- (1) Basement floor drains shall be maintained in good condition.
- (2) Floors in a basement shall be free from major cracks, breaks or similar conditions which would create an accident hazard or allow the entrance of water, insects and vermin into the basement.

9. **Floors**

- (1) Floors shall be maintained in a clean condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which are health, fire or accident hazards.
- (2) Where floors are covered, the covering shall be maintained in a safe condition.
- (3) Lavatory or washroom floors, shower room floors, toilet room and bathroom floors shall be covered with moisture resistant floor finishes in accordance with the *B.C. Building Code* and in such condition as to permit easy cleaning.

10. **Walls and Ceilings**

- (1) Interior walls that form a fire separation shall be maintained in a condition which retains the fire resistance rating of the wall.
- (2) Interior walls within bathrooms that are required to be water resilient shall be maintained in a condition which retains the water resistance.

11. **Plumbing and Plumbing Fixtures**

- (1) All plumbing, including plumbing fixtures, drains, vents, water pipes, water closets and connecting lines to the water and sewer system, shall be maintained in good working order and repair, free from leaks or other defects and protected from freezing.
- (2) Every hand basin and bathtub, shower and sink shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water. Hot water shall be supplied at minimum temperature of 45°C (113°F) and a maximum of 60°C (140°F).

- (3) Every room containing a toilet shall have a hand basin located in the room, or in an immediately adjoining room.
- (4) All bathing units shall be fully enclosed so as to provide privacy for an occupant.

12. **Gas Appliances and Systems**

- (1) All existing gas systems and appliances shall be maintained in safe working order and repair.
- (2) All systems of appliance venting that may create a health, fire or accident hazard shall be maintained in safe working order.

13. **Heating Systems**

- (1) Heating equipment shall be maintained in a safe and good working condition so as to be capable of safely attaining and maintaining an adequate temperature standard, free from fire and accident hazards and in all residential accommodation capable of maintaining every room at a temperature of 22°C (72°F) measured at a point 1.5 meters (5 feet) from the floor, and in the centre of the room.
- (2) Heating equipment shall be provided for all rental accommodation. Such equipment shall be either a central heating system, each unit will have an individual thermostat, or individual heating units, provided however that appliances designed for cooking shall not be considered heating equipment for the purposes of this Section.
- (3) Where heating equipment or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of such fuel shall be provided and safely maintained in a convenient location and so constructed as to be free from fire or accident hazards.

14. **Electrical System, Lighting and Ventilation**

- (1) Electrical wiring and lighting equipment, including circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order free from fire and accident hazards in accordance with the *Electrical Safety Act*.

- (2) Adequate levels of artificial lighting shall be maintained in good working order in all habitable rooms and hallways in accordance with the B.C. Building Code.
- (3) All systems of ventilation, mechanical or natural shall be maintained in good working order in accordance with the *B.C. Building Code*.

15. **Yards and Accessory Buildings**

- (1) All yards shall be kept free of all accumulation of filth, discarded materials, derelict motor vehicle bodies and associated parts, litter, trash and rubbish of any kind that is unsightly or create a health or accident hazard.
- (2) Storm water shall be drained from all yards by an acceptable method so as to prevent ponding or the entrance of water into basements.
- (3) All areas used for vehicular traffic, parking and facilities for loading and unloading, including loading spaces or bays shall be kept free from refuse and maintained in good repair.
- (4) The steps, walks, driveways and parking spaces on all land shall be maintained so as to afford safe passage under normal use and weather conditions.
- (5) Unobstructed walkways shall be available on all land leading from the main entrance of each building to the street or driveway and shall be maintained in a safe condition.
- (6) Lighting equipment and its supports shall be kept in safe and proper working condition.
- (7) Fences, barriers and retaining walls and other approved enclosures shall be maintained in good repair, and free from accident hazards.
- (8) Accessory building(s) on all land shall be kept in good repair and free from health and fire hazards. Exteriors of accessory buildings shall be weather resistant through the use of weather resistant materials including paints or other preservatives.

16. **Interior Fire and Health Safety Hazards**

- (1) Walls, floors and roof constructions, including fire protective closures, sprinkler systems, including fire alarm, and detection systems and other

means of fire protection, shall be maintained in such manner to afford the fire resistant properties and protection for which they were designed.

PART 500

UNSIGHTLINESS

Unsightliness and Related Conditions on Real Property

1. Persons are prohibited from causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass or other rubbish in any open place.
2. For the purposes of preventing unsightliness on real property,
 - (1) persons are prohibited from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, and
 - (2) Owners or occupiers of real property are prohibited from allowing their real property to become or remain unsightly.
3. For the purposes of remedying unsightliness on real property,
 - (1) Owners or occupiers of real property, or their agents are required to remove from it unsightly accumulations of filth, discarded materials, rubbish or graffiti,
 - (2) where a person fails to comply with a requirement for removal referred to in 3(1) above, the municipality, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the real property and effect the removal at the expense of the person who has failed to comply, and
 - (3) where the person at whose expense removal is carried out under 3(2) above does not pay the costs of the removal on or before December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

PART 600

MISCELLANEOUS

1. **Repeal**

Bylaw No. 1542 cited as the "Premises Maintenance Bylaw 1976" and Bylaw 1204 cited as the "Rubbish Removal Bylaw 1967" of the Corporation of the Township of Esquimalt, are hereby repealed and replaced by this bylaw.

Read a first time by the Municipal Council on March 11, 1996.

Read a second time by the Municipal Council on March 11, 1996.

Read a third time by the Municipal Council on March 11, 1996.

Third reading reconsidered and bylaw amended by the Municipal Council on April 29, 1996.

ADOPTED by the Municipal Council on May 6, 1996.

C.J.E. CLEMENT
MAYOR

R. SERIGHT
MUNICIPAL CLERK