

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2020-28

**“A BY-LAW TO REGULATE VACANT AND ABANDONED BUILDINGS WITHIN
THE TOWNSHIP OF EDWARDSBURGH CARDINAL”**

WHEREAS the Municipal Act, 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS the Municipal Act, 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

WHEREAS the Municipal Act, 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

WHEREAS the Municipal Act, 2001, SO 2001, Chapter 25, Section 11 gives the municipality the broad authority to pass by-laws respecting the health, safety, and well-being of persons; and

WHEREAS the Municipal Act, 2001, SO 2001, Chapter 25, Section 128 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Municipal Council, are or could become or cause public nuisance; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it appropriate to require property owners to safeguard, secure and protect vacant and abandoned buildings from property damage, unauthorized entry or occupation for the protection of persons and property; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to adopt a by-law to regular vacant and abandoned buildings within the Township;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. DEFINITIONS

“Building” shall mean any structure used or intended to be used for support or sheltering any use or occupancy; as per the Township’s Zoning Bylaw, including but not limited to all commercial, industrial and institutional structures;

“Building Code Act” shall mean the Building Code Act, 1992, as amended, and any successor legislation;

“Building Code” shall mean Ontario Regulation 332/12, as amended, and any successor regulation;

“Chief Building Official” shall mean the Chief Building Official of the Township of Edwardsburgh Cardinal and shall include his/her designates;

“Council” shall mean the Council of the Township of Edwardsburgh Cardinal;

“Dwelling” shall mean any building or part of a building occupied or capable of being occupied, in whole or in part as a home or residence of one or more persons either continuously, permanently or temporarily, including but not limited to; accessory dwelling apartment, boarding house, converted dwelling, duplex, maisonette, modular, park model trailer, quadruplex, rooming, semi-detached, townhouse, triplex, dwelling unit, house trailer, mobile home, motel;

“Fire Chief” shall mean the Fire Chief of the Township of Edwardsburgh Cardinal and shall include his/her designates;

“Fire Protection and Prevention Act” shall mean the Fire Protection and Prevention Act, 1997, as amended, and any successor legislation;

“Fire Code” shall mean Ontario Regulation 213/07, as amended, and any successor regulation;

“Inspector” shall mean and include the following:

- a. Chief Building Official
- b. Building Inspector
- c. Fire Chief or any Assistant to the Fire Marshal
- d. Bylaw Enforcement Officer
- e. Ontario Provincial Police
- f. Royal Canadian Mounted Police
- g. Peace Officer

“Owner” shall mean and include the following:

- a. The registered owner of the land on which the building is situated
- b. The owner of a building
- c. The person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person’s own account or as an agent or trustee or receiver of any other person
- d. A vendor of the building under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement
- e. The person for the time being receiving installments of the purchase price if the building were sold under an agreement for the sale
- f. A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the building
- g. An owner as defined by the Condominium Act, 1998, as amended

“Planning Act” shall mean the Planning Act, 1990, as amended, and any successor legislation;

“Township” shall mean the Township of Edwardsburgh Cardinal;

“Vacant and Abandoned” shall mean any building, or part of a building that is not being used or occupied and that may also be unfinished or dilapidated, fire damaged, open to the elements, capable of unauthorized entry, or that may endanger life or property.

2. REQUIREMENT FOR VACANT AND ABANDONED BUILDINGS

- 2.1 Every owner of a building in the Township shall maintain the building in accordance with the provisions and requirements of this Bylaw.
- 2.2 No person shall allow a building to stand vacant and/or abandoned for more than 120 consecutive days unless the building is in compliance with Section 2.4 of this Bylaw or the vacancy is otherwise authorized under Section 3 of this Bylaw.
- 2.3 No person shall allow a dwelling to stand vacant and/or abandoned for more than 90 consecutive days unless the dwelling is in compliance with Section 2.4 of this Bylaw or the vacancy is otherwise authorized under Section 3 of this Bylaw.
- 2.4 Except as authorized under Section 3, every owner of land or property that contains a dwelling that has been vacant and abandoned for more than 90

consecutive days or a building that has been vacant and abandoned for more than 120 consecutive days must:

- a. Secure the building in compliance with the standards set out in Schedule "A", attached to and forming part of this Bylaw; and
- b. Maintain the building in compliance with the standards set out in Schedule "B", attached to and forming part of this Bylaw; and
- c. Within 30 days of an Order by an Inspector, maintain \$2,000,000.00 in liability insurance and obtain a Vacant and Abandoned Building Regulation Permit.

3. EXEMPTIONS

3.1 No person shall allow a dwelling to stand vacant and abandoned for more than 90 consecutive days and/or a building to stand vacant and abandoned for more than 120 consecutive days unless the person is in compliance with Section 2.4 of this Bylaw, or one of the following applies:

- a. The building is the subject of an active building permit for repair, rehabilitation, or demolition, and the owner is progressing diligently to complete the repair, rehabilitation, or demolition; and, the owner is complying with the maintenance standards require under Schedule "B" of this Bylaw while the building is being repaired, rehabilitated, or demolished.
- b. The building meets all applicable codes, is ready for occupancy and is actively being offered for sale, lease, or rent. The building is to be supplied with minimum utilities to maintain the proper functioning of the facilities as well as to prevent damage to mechanical and plumbing facilities from freezing. Any buildings that are classified to have a fire alarm and/or fire suppression system shall maintain electrical, heating, and water supply systems to maintain these life safety components. In addition, the owner must also ensure the following:
 - i. That all combustible materials within a vacant and abandoned building are removed to reduce any potential fire load; and
 - ii. There is no illegal occupancy; and
 - iii. There is no existence or any other potential health or safety risks to the public.
- c. The Inspector determines that the building does not constitute a nuisance or hazardous condition requiring building permits for remedial work or demolition.
- d. It is a non-residential agricultural building.

4. INSPECTION AND ENFORCEMENT

4.1 Every Inspector shall be authorized to enforce the provision of this bylaw.

4.2 An Inspector may enter onto land without notice and without the consent of the owner in order to monitor a building that is boarded or appears to be vacant and abandoned in order to determine:

- a. Whether the building is vacant and abandoned; and
- b. Whether a vacant and abandoned building is to be secured; and
- c. Whether the building complied with this Bylaw.

4.3 Where an Inspector reasonably believes that any dwelling on a property is vacant and abandoned for more than 90 consecutive days, or building on a property is vacant and abandoned for more than 120 consecutive days, the Inspector will notify the owner in writing and order the owner to do one or more of the following:

- a. Apply for a Vacant and Abandoned Building Regulation Permit;
- b. Apply for a Building Permit to demolish or to renovate a building so that it is in a state of safe occupancy in that it complies with the Building Code, and further, the owner may be required to retain a professional engineer and/or building Inspector licensed or registered to practice in Ontario to perform a field evaluation of an existing building and any required remedial work to make the structure safe for occupation or further inspections.

4.4 The Inspector's powers under section 4 are applicable notwithstanding the exemptions set out in section 3 of this Bylaw, where the Inspector reasonably

believes any building on a property is vacant and abandoned and constitutes a fire risk or a safety hazard.

- 4.5 Without limiting the authority set out within this Bylaw, an Inspector is authorized to enter at all reasonable times on any property subject to this Bylaw, to ascertain whether any regulations or directions contained herein are being observed.

5. VACANT AND ABANDONED BUILDING REGULATION PERMIT

- 5.1 In order to obtain a Vacant and Abandoned Building Regulation Permit, an owner of a building must:
- a. Apply to the Chief Building Official for an inspection within 30 days of declaring that the building has become vacant and abandoned and pay the fee imposed for an inspection as specified in Schedule "C" of this Bylaw;
 - b. Apply to the Chief Building Official for an inspection within 30 days of receiving an Order by an Inspector and pay the fee imposed for an inspection as specified in Schedule "C" of this Bylaw;
 - c. Provide an address for service of notices and orders during the period that the Permit is valid and thereafter, provide prompt notice of any change in the address given for service;
 - d. Pay the permit fee as specified in Schedule "C" of this Bylaw;
 - e. Provide the Inspector with a copy of the Certificate of Insurance required in section 2.4;
 - f. Ensure that all combustible material within the vacant and abandoned building are removed to reduce any potential fire load.
- 5.2 Upon completion of the requirements set out in section 5.1, the owner may obtain from the Township, a Vacant and Abandoned Building Regulation Permit for a period of 12 months from the date it is issued. The permit is automatically transferred to the next owner of the property; however, it will retain its original expiry date.
- 5.3 Upon application by an owner in possession of a valid Vacant and Abandoned Building Regulation Permit and payment of any outstanding fees and penalties, the Chief Building Official may provide the owner with an extension to the original permit, for an additional 12 months that is effective upon the expiry of the original permit.
- 5.4 An additional extension permit issued under section 5.3 is condition upon payment as set out in Schedule "C", including payment for any additional inspections that the Chief Building Official deems necessary.
- 5.5 The owner holding the Vacant and Abandoned Building Regulation Permit may be entitled to a partial refund, up to 50% of the permit fee, if the building, subject to the permit, is remediated or demolished within 6 months of registration. Any outstanding fees or penalties imposed on the owner pursuant to this Bylaw or any other Bylaw shall be deducted from any refund paid.

6. MONITORING INSPECTIONS FOLLOWING ISSUANCE OF PERMIT

- 6.1 Every owner with a Vacant and Abandoned Building Regulation Permit shall allow for entry of an Inspector into a building for the purposes of ensuring:
- a. The building is secured against unauthorized entry as per Schedule "A" of this Bylaw; and
 - b. The building is maintained as per Schedule "B" of this Bylaw; and
 - c. That all combustible materials within the building are removed to reduce any potential fire load; and
 - d. There is no existence of rodents or any other potential health or safety risks to the Township.

7. COMPLIANCE ORDERS

- 7.1 If, in the opinion of the Inspector, an owner of the building fails to comply with a requirement of this Bylaw, the Inspector may issue a written Order requiring that the owner bring the building into compliance with the provisions of this

Bylaw within such a time as the Inspector considers appropriate in the circumstances.

- 7.2 Notice of an Order issued under section 7.1 of this Bylaw shall state:
- a. The civic address of the property;
 - b. Particulars of the non-compliance with this Bylaw to be remedied;
 - c. That the non-compliance with this Bylaw be remedied within 14 business days of the date of delivery of the Order, or a time period that the Inspector determines is reasonable and necessary;
 - d. That if the owner or occupant fails to comply with the Order, the Township may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the owner or occupant or both may be subject to prosecution for an offence under this Bylaw.

8. NOTICE

- 8.1 The Inspector may serve any Notice or Order under this Bylaw as follows:
- a. By registered mail addressed to the owner as recorded in the property tax records of the Township; or
 - b. By hand-delivering it to the owner of the property that is subject to the Notice; or
 - c. If the Inspector is unable to effect notice pursuant to either a. or b. above, by posting it on a conspicuous place on the real property that is the subject of the Notice and that Notice shall then be deemed to be validly and effectively served for the purposes of this Bylaw at the expiration of 10 business days immediately following the date the notice was posted.
- 8.2 Service of any Notice or Order under this Bylaw will be considered sufficient if a copy of the Notice or Order is provided as set out in section 8.1 of this Bylaw and no liability or responsibility other than that set out in accordance with this Bylaw rests with the Township to prove delivery of the Notice.

9. WORK DONE BY THE TOWNSHIP

- 9.1 If an owner fails to comply with an Inspector's compliance Order within the time period specified in the Notice, the Township, by its employees or others, may at all reasonable times and in a reasonable manner, enter the property and bring about such compliance at the cost of the defaulting owner.
- 9.2 If an owner defaults in paying the cost referred to in section 9.1 to the Township within 30 days after receipt of a demand for payment from the Township, the Township may either recover from the owner, in any court of competent jurisdiction, the cost as a debt due to the Township, or direct that the amount of the cost to be added to the property tax roll as a charge imposed in respect of work or services provided to the property of the owner and be collected in the same manner as property taxes.

10. BUILDINGS DAMAGED BY FIRE

- 10.1 Every owner of a building damaged by fire shall immediately contact the Fire Chief, or an Inspector of the Township to inform them of the owner's intention to comply with the requirements by this Bylaw.
- 10.2 Every owner shall ensure that a building damaged by fire is secured against unauthorized entry within 24 hours after release of the property by the authority having jurisdiction or, if the Fire Chief or Chief Building Official has granted an extension, by the deadline given.
- 10.3 Notwithstanding section 10.2, where, in the opinion of the Fire Chief or Chief Building Official, a building damaged by fire is in a condition that presents an immediate hazard to the public safety, the owner shall ensure that the building damaged by fire is secured against unauthorized entry forthwith after release of the property by the authority having jurisdiction.

11. OFFENCE AND PENALTY

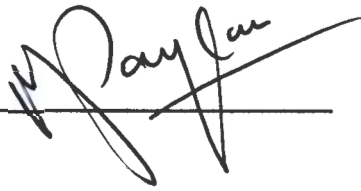
- 11.1 Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.
- 11.2 A person who is convicted of an offence under this Bylaw is liable for each day or part of a day that the offence continues, where the minimum fine shall not exceed \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00 as provided for in Section 429(3) of the Municipal Act, 2001, c. 25, as amended.
- 11.3 Upon registering a conviction for a contravention of any provision of this Bylaw, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this Bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, 2001, c.25, as amended.
- 11.4 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this by-law, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expense of the person and such expense may be recovered by the Township in a like manner as taxes in accordance with the provisions of Section 326 of the Municipal Act, 2001, S.O. c. 25.
- 11.5 Every person who contravenes this bylaw, including a notice to remedy issued under this by-law is guilty of an offence.
- 11.6 No person shall obstruct or hinder or attempt to obstruct or hinder an Inspector or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this Bylaw.
- 11.7 An Inspector who has reasonable grounds to believe that a person has contravened any provision of this By-law may issue a notice to remedy, notice of violation, an order to comply and every person shall comply with said notice or order.

12. GENERAL PROVISIONS

- 12.1 Where a building remains vacant for more than 30 consecutive days, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent damage to the building or adjacent property, unless such utilities are necessary for the safety or security of the vacant building, or unless such utilities are otherwise required by law to remain connected.
- 12.2 Nothing in this Bylaw shall be deemed to grant relief from the requirement of the Building Code Act, the Building Code, the Fire Protection and Prevention Act, or the Fire Code.
- 12.3 Where a provision of this Bylaw conflicts with a provision of another Bylaw enforced in the Township, the provisions that establishes the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
- 12.4 It is the declared intention of the Council of the Township of Edwardsburgh Cardinal that any section or part of this Bylaw which may subsequently be held to be illegal shall be severable from the remainder of the Bylaw and shall not be deemed to have persuaded or influences the Council to pass the remainder of the Bylaw.
- 12.5 That Schedule "A", "B", and "C" shall constitute part of this bylaw.
- 12.6 That this bylaw will come into force and effect of the day of passage.

Read a first and second time in open Council this 23 day of March, 2020.

Read a third and final time, passed, signed and sealed in open Council this 27 day of April, 2020.



Mayor



Clerk

Schedule "A"
Bylaw 2020-28

The owner of a vacant and abandoned building must comply with either Part 1 or Part 2 of this Schedule "A" as follows:

Part 1:

1. In order to comply with Part 1 of Schedule "A", the owner of a vacant and abandoned building must ensure that:
 - a. All exterior doors to the vacant and abandoned building are operational, fit tightly within their frames when closed, and are locked so as to prevent entry; and
 - b. All windows are either permanently sealed or locked so as to prevent entry; and
 - c. All windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building; and
 - d. All windows are in good repair; and
 - e. Where a water meter exists. The water meter is kept in a dry and warm location, including providing adequate heat in the premises to prevent frost or other damage for the meter supplied by the Township, as per section 5 of Bylaw 2013-69; and
 - f. Utilities must not be cut off if they are necessary to maintain fire protection systems, fire alarms or water meters.

Part 2:

1. In order to comply with Part 2 of Schedule "A", the owner of a vacant and abandoned building must ensure that the following requirements are met:
 - a. All doors, windows and other openings, other than the principal entrance at the basement and main (first) floor levels must be secured with an equivalent to or a solid piece of weatherproof plywood, at least ½ inch thick and secured with coated spikes or screws;
 - b. The principal entrance must be covered with a solid piece of weatherproof plywood, at least ½ inch thick, adequately secured with screws;
 - c. Windows, doors and other openings at the second-floor level must be covered with a solid piece of weatherproof plywood, at least ½ inch thick and secured with coated spikes or screws;
 - d. Windows, doors and other openings at the third-floor level or higher must be either:
 - i) Secured in accordance with Part 1 of Schedule "A"; or
 - ii) Covered with a solid piece of weatherproof plywood, at least ½ inch thick and secured with coated spikes or screws;
 - e. Windows, doors and other openings at the third-floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior;
 - f. Plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of paint, which is of a colour compatible with the exterior colour of the building. A hole must be cut in the plywood just large enough for the door hardware to protrude;

- g. All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters (13 feet) or guarding them in some other manner acceptable to an Inspector;
- h. All stair or window wells must be adequately secured either by:
 - i. Filling them with concrete or unshrinkable fill; or
 - ii. Covering the opening to them with a metal plate at least $\frac{1}{4}$ inch thick and securing it so as to prevent it from shifting;
- i. Utilities must not be cut off if they are necessary to maintain fire protection systems, or fire alarms;
- j. Water utilities shall be shutoff at curb stop, water meter removed and the lines drained, so long as the water is not directly connected to a fire suppression system.

Schedule "B"
Bylaw 2020-28

The Owner of a vacant and abandoned building must comply with the following maintenance standards of this Schedule "B".

1. The exterior of every building must be constructed, repaired and maintained in a manner that:
 - a. ensures the integrity of the building envelope to safeguard, secure and protect the building from unauthorized entry or occupation, property damage, the weather, and from infestations of insects, rodents and other pests;
 - b. prevents a substantial depreciation in property values in the immediate neighbourhood.

EXTERIOR WALLS

2.
 - a. All exterior surfaces must consist of materials that provide adequate protection from the weather;
 - b. All exterior walls and their components, including coping and flashing, must be maintained in good repair;
 - c. All exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
 - d. Exterior wood surfaces must be adequately protected against deterioration by the application of paint, stain or other protective coating;
 - e. No more than 25% of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - f. The mortar of any masonry or stone exterior wall may not be loose, dislodged or damaged;
 - g. Damaged or spalling masonry stone/blocks/brick shall be repaired or replaced;
 - h. The exterior of every building must be free of graffiti;
 - i. Loose material must be removed from exterior walls, doors, and window openings.

ROOFS

3. Roofs must be constructed and maintained so as to prevent:
 - a. rainwater or melting snow falling on the roof from entering the building;
 - b. rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties;
 - c. objects and materials from falling from the roof.
4. Roofs, including fascia boards, soffits, cornices, flashing, eaves troughing, and downspouts must be maintained in a watertight condition.
5. Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - a. accumulates or causes ground erosion;
 - b. causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and
 - c. accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.
6. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passerby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

FIRE PROTECTION SYSTEMS

7. Unless a fire protection system has been decommissioned by permission of the Fire Chief, it must be maintained in an operational condition.

Schedule "C"
Bylaw 2020-28

Description of Fee Imposed	Amount of Fee
Vacant and Abandoned Building Regulation Permit	\$150.00
Vacant and Abandoned Building Regulation Permit – Extension Fee	\$125.00
Inspection Fee	\$95.00