

**ONTARIO
CITY OF OWEN SOUND
PROPERTY STANDARDS COMMITTEE
APPEAL**

BETWEEN:

KEPLER REAL ESTATE INC

Appellant/Applicant

and

CITY OF OWEN SOUND

Respondent/Appellant

APPEAL BRIEF OF THE RESPONDENT/CITY OF OWEN SOUND

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Prosecution for the City of Owen Sound

TO: Kepler Real Estate Inc.
43363 Sparta Line
St. Thomas, ON N5P 3S8

Email: admin@keplerresidences.com

Tel: (519) 377-5936

Self-represented Appellant

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TAB 1

**PROPERTY STANDARDS COMMITTEE
CITY OF OWEN SOUND**

IN THE MATTER OF an appeal under section 15.3 of the *Building Code Act*, 1992, S.O. 1992, c. 23
AND IN THE MATTER OF Property Standards Order No. OSBY-2026-0272

MUNICIPAL ADDRESS: 426 12th Street West, Owen Sound, Ontario

BETWEEN:

KEPLER REAL ESTATE INC.

Appellant

- and -

CITY OF OWEN SOUND

Respondent

PROSECUTION BRIEF

Hearing: October 6, 2026, at 3:00 p.m.

PART I - PROSECUTION POSITION

The City requests that the Property Standards Committee confirm Property Standards Order No. OSBY-2026-0272, including the work required to repair or replace the roof components, eavestrough, fascia, soffit and cornice and to remove, repair or securely fasten loose or unsafe roofing materials.

The appeal does not dispute the observed physical deficiencies or identify any error in the Order. It asks only for more time because of alleged contractor scheduling challenges. The Appellant has not identified the contractor, produced a quotation or contract, supplied a firm start or completion date, or provided a letter on the contractor's letterhead explaining any delay. That absence is significant because the Appellant had notice of the deficiencies by June 3, 2026, represented that a new contractor

would complete the work in the first week of August, and still did not comply by the September 1, 2026, deadline.

The city therefore submits that the request for a further extension is unsupported. If the Committee nevertheless grants additional time, the extension should be short, final and subject to strict, objectively verifiable deadlines, with no further extension thereafter except where required by law on compelling evidence of circumstances genuinely beyond the owner's control.

PART II - MATERIAL FACTS

- April 13, 2026:** The City received a complaint that the eastside eavestrough was missing and water was flooding toward the neighbouring property.
- May 5, 2026:** The Property Standards Officer uploaded inspection photographs documenting the condition of the property.
- June 3, 2026:** The Officer notified the Appellant that portions of the roof were not in good repair, asked it to begin scheduling repairs if it had not already done so, and requested an update when a repair date was scheduled.
- June 8, 2026:** After a follow-up warning that continued non-compliance would result in an order, the Appellant stated that the original roofer was operating with a minimal crew and that it had contacted other companies for quotations. No contractor or work date was identified.
- June 23-24, 2026:** The Officer requested a scheduled repair date. The Appellant replied that it had found a new contractor and that the work could be completed in the first week of August. The contractor was not identified.
- June 25, 2026:** The Officer accepted that representation and directed that the work be completed by the first week of August, with reinspection to follow.

- August 11, 2026:** After the represented completion period passed, the Officer issued Property Standards Order No. OSBY-2026-0272 under section 15.2(2) of the *Building Code Act*. The Order required compliance by September 1, 2026.
- August 27, 2026:** The Appellant appealed. It requested an extension due to contractor scheduling challenges and stated it might seek four weeks from the hearing date, depending on progress before the hearing.
- September 1, 2026:** The compliance deadline passed. The record supplied for this hearing contains no proof of completion and no supporting contractor documentation.
- October 6, 2026:** Appeal hearing. A four-week extension from this date would defer compliance to approximately November 3, 2026 - about five months after the first written notice and three months after the Appellant's represented completion window.

PART III - CHRONOLOGY OF OWNER'S WORK-SCHEDULING REPRESENTATIONS

The record contains only one definite owner representation concerning when the repair would be completed. Other communications refer generally to obtaining quotations or to a possible future extension; they do not identify an actual contractor start date.

Date	Source	Owner's statement	Promised timing	Result / gap
June 8, 2026	Email from Appellant	Original roofer had a minimal crew; other companies had been contacted for quotations.	No start or completion date provided.	No contractor identified; no supporting quotation or schedule.
June 24, 2026	Email from Appellant	A "new contractor" had been found and the work "could be completed the first week of August."	Completion represented for first week of August 2026.	Date passed without proof of completion; contractor still unnamed.

August 27, 2026	Notice of Appeal	Requested time due to contractor scheduling challenges and stated it might seek a four-week extension from the hearing date, depending on interim progress.	No work-start date; possible completion up to about November 3, 2026.	No contractor, firm schedule, contract, quotation, or letter explaining the alleged challenges.
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PART IV – ISSUES

1. Whether the Order was properly issued in response to conditions contrary to sections 2.4.2.1 and 2.4.2.2 of Property Standards By-law No. 1999-030.
2. Whether the Appellant has established an evidentiary basis to modify September 1, 2026, compliance deadline.
3. If additional time is granted, what strict terms are necessary to secure prompt and final compliance.

PART V - GOVERNING LAW

Building Code Act, 1992

Section 15.2 authorizes a property standards officer who is satisfied that a property does not conform with the standards prescribed in the municipal by-law to issue an order directing the required repair and specifying the time for compliance. The owner or occupant served with the order must carry out the repair within the time and in the manner specified in the order.

Under section 15.3, an owner or occupant may appeal to the Property Standards Committee. The Committee may confirm, modify or rescind the order, or extend the time for compliance, provided the statutory requirements governing the Committee's authority are met. The existence of a power to extend time does not relieve the Appellant of the burden of supplying credible evidence supporting the requested modification.

Property Standards By-law No. 1999-030

Section 2.4.2.1 requires a roof, including fascia board, soffit and cornice, to be maintained in a water-tight condition to prevent leakage and to retard deterioration due to weather. Maintenance includes repairing or replacing broken, defective or deteriorated components and protecting them with weather-proof material.

Section 2.4.2.2 requires a roof to be free from loose, unsecured or unsafe objects and materials.

PART VI – ANALYSIS

A. The underlying violations are established and not meaningfully disputed

The Order records missing eavestrough, missing fascia and soffit, exposed roof structure, detached and hanging eavestrough, and loose or unsecured roofing materials. These conditions correspond directly to sections 2.4.2.1 and 2.4.2.2. The Notice of Appeal does not challenge those observations, argue that the work is unnecessary, or assert that the property was compliant when the Order was issued. The appeal is limited to timing.

B. The owner had substantial notice and an opportunity to arrange the work

The enforcement history did not begin with the August 11 Order. The owner was contacted on June 3 and warned again on June 8. The Officer sought voluntary compliance and specifically asked for a scheduled repair date. The owner then advised that a new contractor could complete the work in the first week of August. The City relied on that representation and allowed time for the work before issuing the Order. By October 6 hearing, more than four months will have elapsed since the initial notice.

C. The extension request is unsupported by objective evidence

“Contractor scheduling challenges” is a conclusion, not evidence. The owner has not provided the basic information needed to assess whether a further extension is reasonable:

- a) the contractor's legal or business name and contact information;
- b) a signed quotation, work order or contract;
- c) the date the contractor was retained;
- d) a firm commencement date and completion date;

- e) a letter on the contractor's letterhead describing the asserted impediment and confirming when the work can be completed;
- f) evidence of materials ordered, deposits paid, permits sought, or any completed interim work; or
- g) an explanation of why another qualified contractor could not be retained after the first represented completion date was missed.

Without that evidence, the Committee cannot distinguish an unavoidable delay from continued inaction. A further open-ended extension would reward missed commitments and prolong conditions involving weather exposure, drainage and loose exterior materials.

D. The public interest favours prompt, enforceable compliance

The By-law establishes minimum maintenance and safety standards. The east-side eavestrough was reported missing with resulting drainage impacts, while the west-side eavestrough included detached and hanging sections. The deficiencies therefore affect more than appearance. They create continuing risks of water damage, deterioration, improper drainage and unsecured materials. The Order is remedial and proportionate: it requires repair of the identified components, not an upgrade beyond the By-law standard.

E. If time is extended, the extension must be final and strictly structured

The City's primary position is that the Order should be confirmed. If the Committee is prepared to modify the compliance date, the City requests a final deadline with conditions that convert the owner's general assurance into verifiable steps. The Committee should not grant "four weeks from the hearing" without documentary proof and interim milestones.

PART VII – PROPOSED RELIEF

Primary relief

The Respondent respectfully requests that the Committee:

- 1) dismiss the appeal;
- 2) confirm Property Standards Order No. OSBY-2026-0272 in its entirety; and
- 3) grant such further relief as the Committee considers just and within its jurisdiction.

Alternative relief if the Committee grants an extension

If the Committee grants any extension, the city requests that the decision expressly provide:

- 1) The Order is otherwise confirmed in full.
- 2) The revised compliance date is a single fixed date selected by the Committee and is final. The city recommends it no later than October 20, 2026. If the Committee instead allows four weeks from the hearing, the outside date should be fixed as November 3, 2026, and not expressed as a flexible period.
- 3) Within two business days of the decision, the Appellant must provide the Property Standards Officer with the contractor's full legal or business name, contact information, signed quotation or work order, and proof that the contractor has been retained.
- 4) Within the same two-business-day period, the Appellant must provide a letter on the contractor's letterhead confirming the scope of work, commencement date, completion date, and the specific circumstances said to have prevented earlier completion.
- 5) All loose or hanging materials presenting an immediate safety risk must be removed or securely fastened within 48 hours of the decision, without prejudice to the obligation to complete the permanent repairs by the final date.
- 6) The Appellant must permit inspection by the Property Standards Officer on reasonable notice and must provide dated photographs and contractor confirmation immediately upon completion.
- 7) There shall be no further extension of the compliance date. Any future request should not be entertained absent compelling, independently documented circumstances genuinely beyond the owner's control and subject to the Committee's jurisdiction.
- 8) Failure to meet any milestone or the final compliance date leaves the City at liberty to exercise all enforcement and remedial powers available under the Building Code Act, the By-law and the confirmed Order.

PART VIII – HEARING PLAN AND EVIDENCE

City witness: Michael Douglas, Property Standards Officer

Suggested evidence-in-chief topics:

- a) his appointment and authority as a Property Standards Officer;
- b) the April complaint, inspections and photographs;
- c) the specific roof, fascia, soffit and eavestrough conditions observed;

- d) the June communications and efforts to secure voluntary compliance;
- e) the owner's first week-of-August representation;
- f) the continued non-compliance that led to the August 11 Order;
- g) the reasonableness of the September 1 deadline;
- h) the current status based on the most recent inspection or evidence available at the hearing;
and
- i) the absence of contractor particulars or documentary support for the requested extension.

Document references

Document	Purpose
Case Package OSBY-2026-0272	Complaint, internal notes, inspection photographs, Order and email exchange.
Notice of Appeal Hearing dated September 3, 2026	Hearing particulars, Property Standards Order and the Appellant's Notice of Appeal.
Property Standards By-law No. 1999-030	Sections 2.4.2.1 and 2.4.2.2.
<i>Building Code Act</i> , 1992	Sections 15.2 and 15.3.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

SV Paralegal Professional Corporation

Jacqueline Armstrong
LSO P11318

4B – 325 Lambton Street
Kincardine, Ontario N2Z 0E3

Tel: 226-396-5100
jacqueline@svparalegal.com

Representative for the Respondent
City of Owen Sound

TAB 2

Take notice that an appeal hearing has been scheduled by the City of Owen Sound regarding an Order to comply with Property Standards By-law No. 1999-030, as amended, under the *Building Code Act*, 1992, S.O. 1992, c. 23 for the subject property known municipally as 426 12th Street West.

The Appellant, Kepler Real Estate Inc., is seeking review and consideration from the Property Standards Committee regarding Order Number OSBY-2026-0272, attached as Schedule 'A'. The Appellant's Notice of Appeal is attached as Schedule 'B'.

The Property Standards Committee for the City of Owen Sound will consider this appeal through an electronic hearing on **October 6, 2026, at 3:00 p.m.** in the Council Chambers of City Hall, located at 808 2nd Avenue East, Owen Sound.

If the Appellant or Appellant's Representative does not attend the Hearing, the Committee may proceed in the Appellant's absence, and the Appellant will not be entitled to any further notice in the proceeding.

If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one (1) copy of the documents (referred to as the disclosure package) to the Secretary no later than **September 23, 2026**. As per Section 36 of the Property Standards Committee Procedure, "document" includes any report, memorandum, witness list, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

The Secretary will provide the disclosure packages to all Parties no later than September 25, 2026.

If the video or audio for the Appellant or Appellant's Representative, malfunction during the Hearing, the Committee may proceed in the Appellant's absence, and the Appellant will not be entitled to any further notice in the proceeding.

A Party may, by satisfying the Committee that holding the Hearing as an electronic hearing is likely to cause the Party significant prejudice, require the Committee to hold the Hearing as an "in person" hearing and must provide the rationale for the request.

Please be advised that this hearing is a formal process in which the parties involved will have an opportunity to present oral, written, or visual evidence related to the matter. Questions of clarification may be asked by the Appellant, the City, or the Committee. Those parties providing evidence will be sworn in or affirmed before they do so. The process for this hearing must comply with the Property Standards Committee Procedure and, as necessary, the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22. A copy of the Property Standards Committee Procedure is available on the City of Owen Sound's website at www.owensound.ca.

The Hearing will be open to the public and as such, may be viewed in person in Council Chambers or on the City's Council and Committees webpage at owensound.ca/meetings.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Secretary of the Property Standards Committee using the contact information listed below.

All information disclosed will become part of the decision-making process of the appeal and will be posted on the City's website. Personal information is collected under the authority of the *Building Code Act*, 1992 and will become part of the public record. Questions about this collection should be addressed to the Secretary of the Property Standards Committee.

Notice Date: September 3, 2026

Staci Landry
Secretary of the Property Standards Committee
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Email: clerks@owensound.ca

Schedule 'A'

Property Standards Order



City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

Date Issued: 2026-08-11

PROPERTY STANDARDS ORDER

KEPLER REAL ESTATE
INC
43363 SPARTA LINE, ST
THOMAS ON N5P 3S8

MUNICIPAL ADDRESS: 426 12TH ST W
LEGAL DESCRIPTION: PLAN 41 E PT LOT 13
PAYNTER;N

CASE #OSBY-2026-0272

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **426 12TH ST W**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-09-01**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-08-30**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

**Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended**

DATE: 2026-08-11

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 426 12TH ST W

LEGAL DESCRIPTION: PLAN 41 E PT LOT 13 PAYNTER;N

INSPECTOR: MICHAEL DOUGLAS, #710

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material. [By-law 1999-030, Section 2.4.2.1]

A roof of a building shall be free from loose or unsecured or unsafe objects and materials. [By-law 1999-030, Section 2.4.2.2]

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Roof, fascia board, soffit and cornice are not water-tight. On the east side of the roof, the eavestrough has been removed. Additionally, a portion of the fascia and soffit is missing, resulting in exposed roof structure. On the west side of the roof, the eavestrough is not maintained in good repair. A portion of the eavestrough is missing, and multiple sections are detached and hanging from the roof, posing a risk of further damage and improper drainage. [By-law 1999-030, Section 2.4.2.1]	Repair/Replace roof, eavestrough, fascia board, soffit and cornice with weather-tight materials and maintain in good repair.
2	Roof has loose, unsecured, unsafe objects and materials. On the west side there is section of metal eavestrough that are bent	Remove, repair, or securely fasten any loose, damaged, or unsecured materials forming part of the roof to ensure the roof

Item	Description of Violation	Work Required to Comply
	and hanging and are not fully secure to the roof. [By-law 1999-030, Section 2.4.2.2]	is maintained in a safe and secure condition

Compliance Date: 2026-09-01

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Michael Douglas, #710
Property Standards Officer

Signature



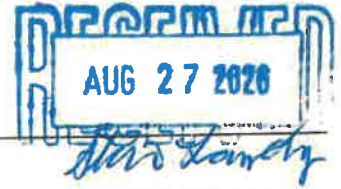
Dated at Owen Sound, on 2026-08-11

Schedule 'B'

Notice of Appeal



Property Standards Committee Notice of Appeal



Property and Owner Information

Location: 426 12th Street West

Owner: Kepler Real Estate Inc.

Mailing Address (if different from location): 43363 Sparta Line, St Thomas, ON N5P 3S8

Phone Number: (226)379-4868 Email Address: admin@keplerresidences.com

Order Information

Issue Date: August 11, 2026 Deadline for Appeal Date: 08/30/2026

Compliance Date: 09/01/2026 Order Number: OSBY-2026-0272

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St Thomas, ON N5P 3S8

Phone Number: (226)379-4868 Email Address: admin@keplerresidences.com

Preferred Method of Service: ☐ Mail ☒ Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Preferred Method of Service: ☐ Mail ☐ Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

Our reasons include, but are not necessarily limited to, a request for time extension. This is due to contractor scheduling challenges. It is possible we will ask for a four week extension from the date of the hearing, heavily dependent on how much progress towards compliance we are able to make between now and the hearing date.

Hearing

☐ In Person Hearing
 ☒ Electronic Hearing
 ☐ Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026

Additional Information

Attach the following documents with your Notice of Appeal form:

- ☒ Order related to the appeal.
- ☒ Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- ☐ An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

08/27/2026

Name

Date



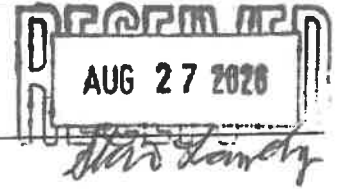
Signature

Personal information on this form is collected under the authority of the *Building Code Act*, 1992. The information collected will be used for the appeal process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk, at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.

TAB 3



Property Standards Committee Notice of Appeal



Property and Owner Information

Location: 426 12th Street West

Owner: Kepler Real Estate Inc.

Mailing Address (if different from location): 43363 Sparta Line, St Thomas, ON N5P 3S8

Phone Number: (226)379-4868 Email Address: admin@keplerresidences.com

Order Information

Issue Date: August 11, 2026 Deadline for Appeal Date: 08/30/2026

Compliance Date: 09/01/2026 Order Number: OSBY-2026-0272

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St Thomas, ON N5P 3S8

Phone Number: (226)379-4868 Email Address: admin@keplerresidences.com

Preferred Method of Service: ☐ Mail ☒ Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Preferred Method of Service: ☐ Mail ☐ Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

Our reasons include, but are not necessarily limited to, a request for time extension. This is due to contractor scheduling challenges. It is possible we will ask for a four week extension from the date of the hearing, heavily dependent on how much progress towards compliance we are able to make between now and the hearing date.

Hearing

☐ In Person Hearing
 ☒ Electronic Hearing
 ☐ Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026

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- ☐ An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

08/27/2026

Name

Date



Signature

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TAB 4



City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

Date Issued: 2026-08-11

PROPERTY STANDARDS ORDER

KEPLER REAL ESTATE
INC
43363 SPARTA LINE, ST
THOMAS ON N5P 3S8

MUNICIPAL ADDRESS: 426 12TH ST W
LEGAL DESCRIPTION: PLAN 41 E PT LOT 13
PAYNTER;N

CASE #OSBY-2026-0272

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **426 12TH ST W**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-09-01**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-08-30**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-08-11

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 426 12TH ST W

LEGAL DESCRIPTION: PLAN 41 E PT LOT 13 PAYNTER;N

INSPECTOR: MICHAEL DOUGLAS, #710

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material. [By-law 1999-030, Section 2.4.2.1]

A roof of a building shall be free from loose or unsecured or unsafe objects and materials. [By-law 1999-030, Section 2.4.2.2]

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Roof, fascia board, soffit and cornice are not water-tight. On the east side of the roof, the eavestrough has been removed. Additionally, a portion of the fascia and soffit is missing, resulting in exposed roof structure. On the west side of the roof, the eavestrough is not maintained in good repair. A portion of the eavestrough is missing, and multiple sections are detached and hanging from the roof, posing a risk of further damage and improper drainage. [By-law 1999-030, Section 2.4.2.1]	Repair/Replace roof, eavestrough, fascia board, soffit and cornice with weather-tight materials and maintain in good repair.
2	Roof has loose, unsecured, unsafe objects and materials. On the west side there is section of metal eavestrough that are bent	Remove, repair, or securely fasten any loose, damaged, or unsecured materials forming part of the roof to ensure the roof

Item	Description of Violation	Work Required to Comply	027
	and hanging and are not fully secure to the roof. [By-law 1999-030, Section 2.4.2.2]	is maintained in a safe and secure condition	

Compliance Date: 2026-09-01

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Michael Douglas, #710
Property Standards Officer

Signature



Dated at Owen Sound, on 2026-08-11

TAB 5



Filename: IMG_2001.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



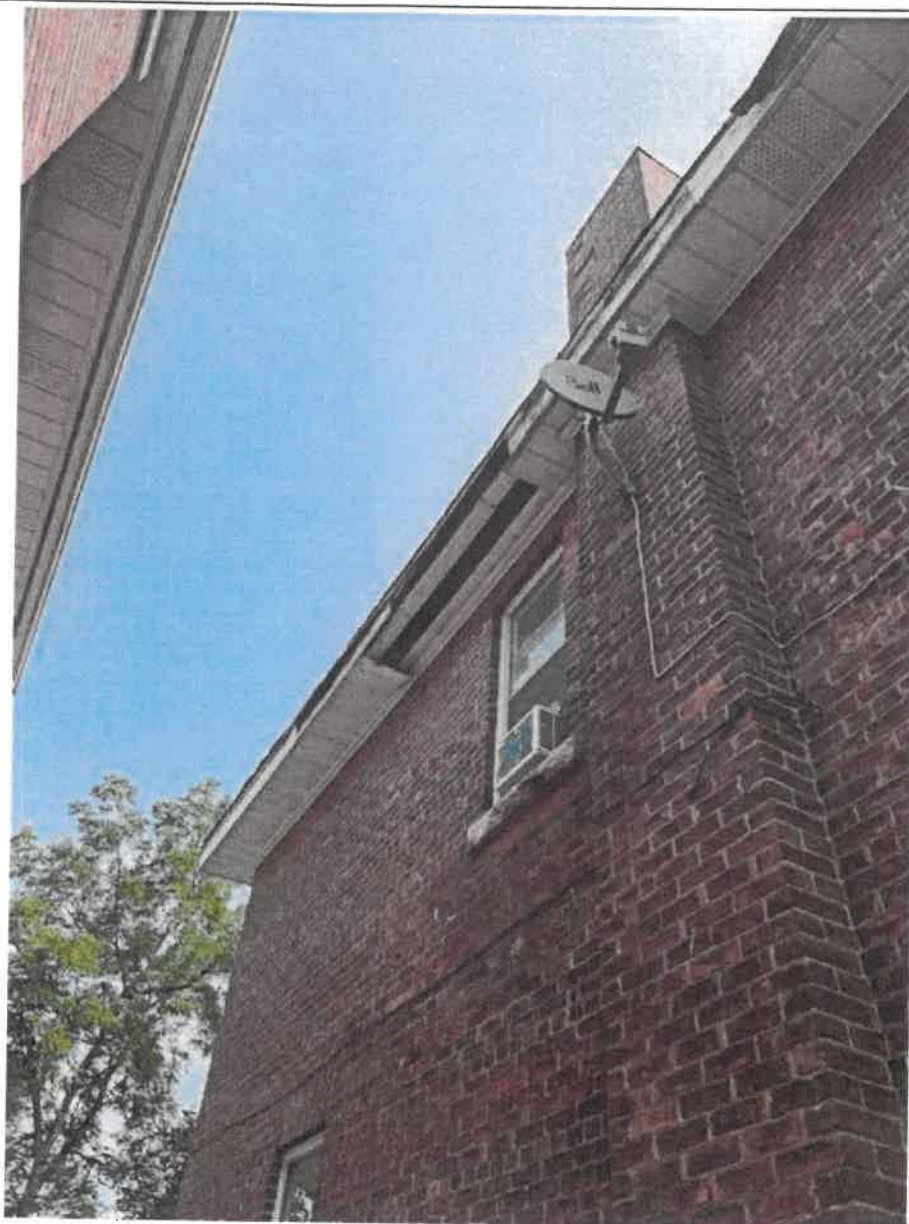
Filename: IMG_2002.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



Filename: IMG_2003.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



Filename: IMG_1999.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:49:03 p.m. EDT



Filename: IMG_2568.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 2:57:45 p.m. EDT



Filename: IMG_2567.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 2:57:45 p.m. EDT

TAB 6

CASE PACKAGE

CASE INFORMATION

Case Number
OSBY-2026-0272

Category
Property

Additional Categories
Property Standards

Assigned Officer
Michael Douglas, #710

Case Created Date
2026-04-13, 12:28:09 p.m. EDT

Package Generation Date
2026-09-09, 3:45:35 p.m. EDT

Case Description

eavesthroughing, roof gutter, down pipe are not maintained. [By-law 1999-030, Section 2.4.6.1]

PLOT INFORMATION

Address
426 12TH ST W, Owen Sound

Property Information
4259020011031000000, PLAN 41 E
PT LOT 13 PAYNTER;N

Additional Location Details
side yard of house

PARTIES

NAME/COMPANY	CONTACT DETAILS	ROLES
[REDACTED]	[REDACTED]	Complainant
KEPLER REAL ESTATE INC	43363 Sparta Line ST THOMAS +1 5193775936	Property owner

COMPLAINTS

Date: 2026-04-13, 10:26:28 a.m. EDT

Complainant name: [REDACTED]

Description from the complaint: eaves trough missing from east side of building flooding property of [REDACTED] 4th ave west.

Received via: -

Complainant acknowledged disclaimer on: 2026-04-13, 10:26:28 a.m. EDT

Work

2026-08-12, 9:01:40 a.m. EDT by Michael Douglas, #710	08:22 - Sent email to "admin" <admin@keplerresidences.com> Please see attached a Property Standards Order for 426 12th St W, as well as the invoice for the associated costs of the order, and a Notice of Appeal Form. The final date to comply with the order is September 1, 2026. The final date for giving notice of appeal is August 30, 2026. More information on the appeal process can be found at https://www.owensound.ca/living-here/by-law-enforcement/property-standards-appeals/ The final date for making payment of the invoice is September 10, 2026. Unpaid invoices will be added to the tax roll after this date. Kind Regards, Michael Douglas By-law Enforcement Officer Corporate Services Department City of Owen Sound 808 2nd Ave East, Owen Sound, ON N4K 2H4 519-376-4440 ext. 1269 mdouglas@owensound.ca www.owensound.ca
2026 07 22, 2:01:47 p.m. EDT by Michael Douglas, #710	June 25 2026 07:50 Sent email response stating: Good Morning, Thank you for your response. Please ensure the work is completed by the first week of August. I will re inspect the property then. Regards, Michael Douglas By law Enforcement Officer Corporate Services Department City of Owen Sound 808 2nd Ave East, Owen Sound, ON N4K 2H4 519 376 4440 ext. 1269 mdouglas@owensound.ca www.owensound.ca
2026-06-24, 3:41:38 p.m. EDT by Michael Douglas, #710	June 23 2026 Sent email to "admin" <admin@keplerresidences.com> stating: Good Afternoon, I am requesting an update on the roof. The damaged soffit on the west side of the roof remains as well as the damaged eavestrough on the east side of the roof. Please provide an update with a scheduled date for repair. Kind Regards, Michael Douglas By-law Enforcement Officer Corporate Services Department City of Owen Sound 808 2nd Ave East, Owen Sound, ON N4K 2H4 519-376-4440 ext. 1269 mdouglas@owensound.ca www.owensound.ca
2026-07-22, 2:01:04 p.m. EDT by Michael Douglas, #710	June 24 2026 17:53 - Received email from <admin@keplerresidences.com> stating: Hello Michael, We found a new contractor for this job and they stated that the work could be completed the first week of August. -- CUSTOMER SERVICE TEAM admin@keplerresidences.com Thank you for your message. It is our goal to respond to incoming emails within 24-48 hours. KEPLER REAL ESTATE INC. www.KeplerResidences.com Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.
2026 06 10, 9:55:17 a.m. EDT by Michael Douglas, #710	June 8 2026 10:43 Sent follow up email to admin@keplerresidences.com requesting a response. Email stated: Good morning, I am reaching out again regarding the roof at 426 12th St W. Please provide me with an update on the repairs. Continued non compliance will result in a work order being issued. 10:57 Received email from admin@keplerresidences.com stating: Good morning Michael, The original roofer who quoted the job is down to a minimal crew and only taking on select new jobs. We have reached out to a few more companies to quote the repair. We will provide an update as soon as possible. CUSTOMER SERVICE TEAM admin@keplerresidences.com Thank you for your message. It is our goal to respond to incoming emails within 24 48 hours. KEPLER REAL ESTATE INC. www.KeplerResidences.com Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active. 17:18 Sent email to admin@keplerresidences.com> stating: Hello, Thank you for the update and for reaching out to other contractors. I will check in next week to see if a contractor has been lined up. Kind Regards, Michael Douglas By law Enforcement Officer Corporate Services Department City of Owen Sound 808 2nd Ave East, Owen Sound, ON N4K 2H4 519 376 4440 ext. 1269 mdouglas@owensound.ca www.owensound.ca
2026-08-12, 9:00:44 a.m. EDT by Michael Douglas, #710	August 11 2026 15:25 - Sent property standards order via registered mail.
2026-06-10, 9:52:25 a.m. EDT by Michael Douglas, #710	June 3 2026 15:33 - Sent email to <admin@keplerresidences.com> notifying their customer service team of the damaged roof at 426 12th St W. The email stated: Good afternoon, Please see the attached letter for your review. During an inspection, it was noted that portions of the roof are not in good repair and are required to be brought into compliance with the City of Owen Sound Property Standards By-law. If you have not yet scheduled repairs, please begin to do so. If you have any questions or require clarification, please feel free to contact me. As well, if you can update me once a repair date is scheduled, that would be greatly appreciated. Kind regards, Michael Douglas By-law Enforcement Officer Corporate Services Department City of Owen Sound 808 2nd Ave East, Owen Sound, ON N4K 2H4 519-376-4440 ext. 1269 mdouglas@owensound.ca www.owensound.ca



Filename: IMG_2001.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



Filename: IMG_2002.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



Filename: IMG_2003.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:45:02 p.m. EDT



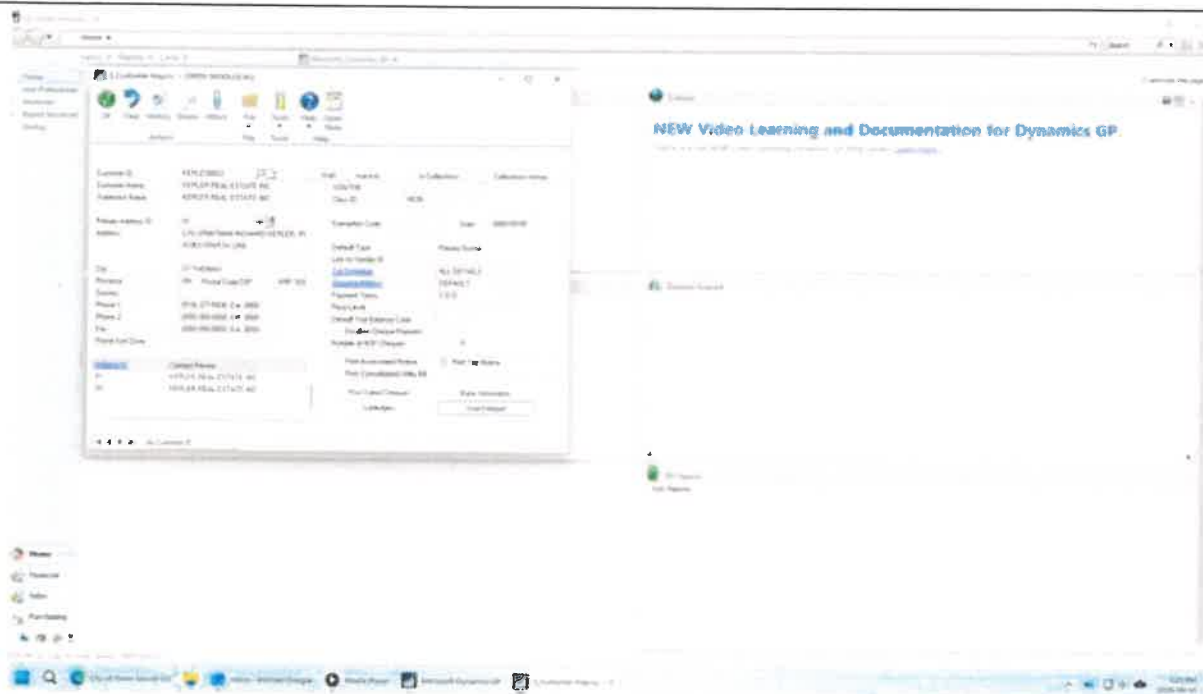
Filename: IMG_1999.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-05-05, 3:49:03 p.m. EDT



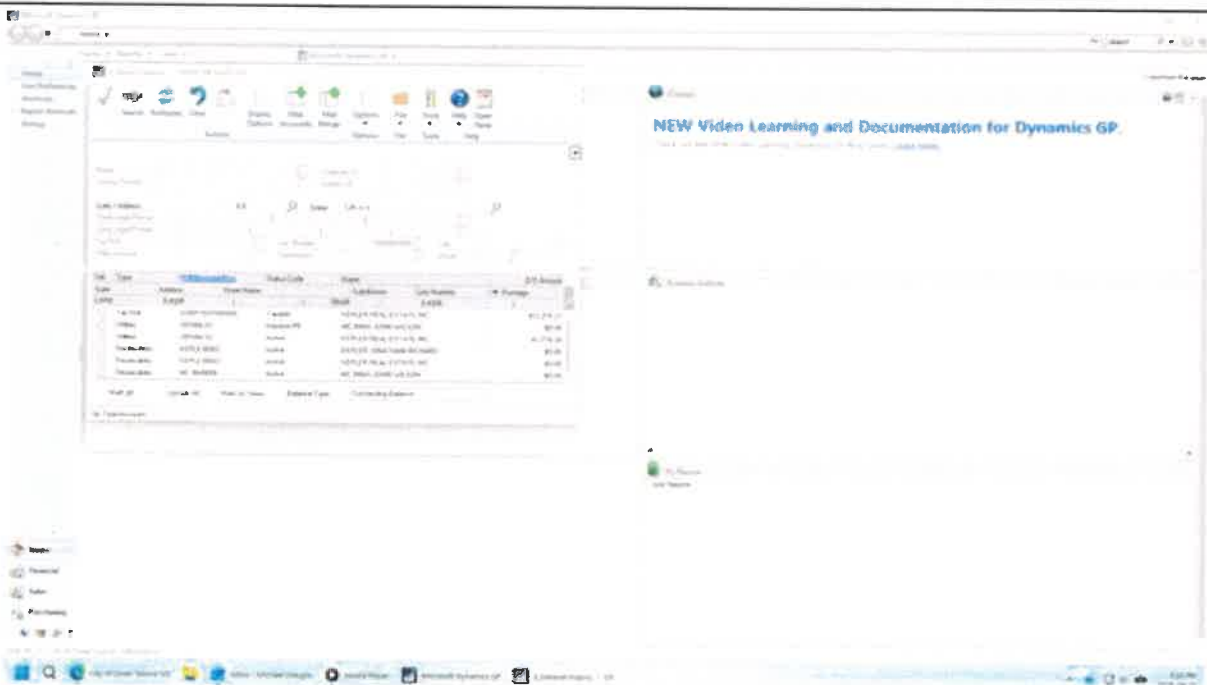
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Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 2:57:45 p.m. EDT



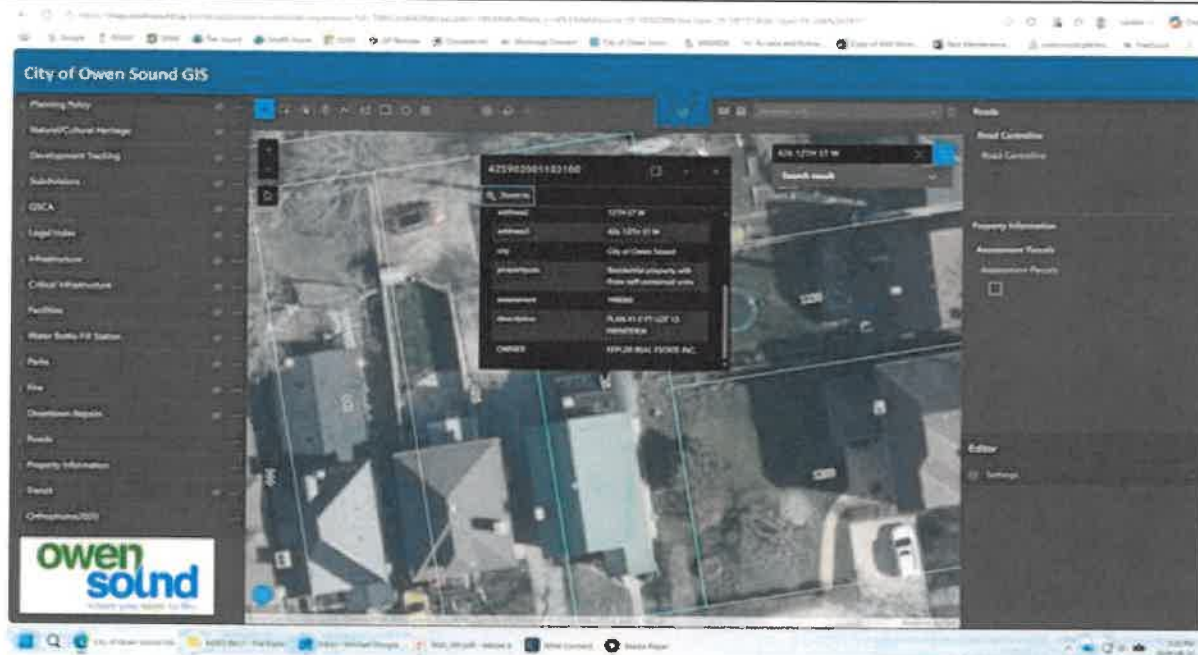
Filename: IMG_2567.jpeg
Media type: image/jpeg
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 2:57:45 p.m. EDT



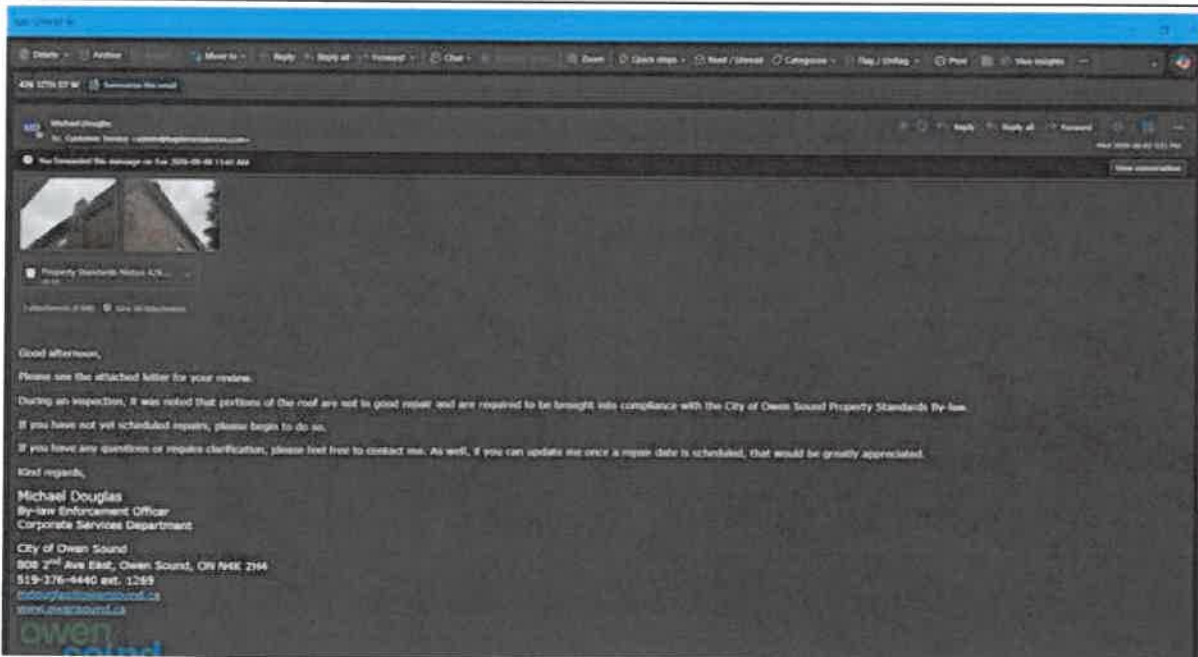
Filename: Screenshot 2026-08-10 152510.png
Media type: image/png
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 3:25:18p.m. EDT



Filename: Screenshot 2026-08-10 152436.png
Media type: image/png
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 3:25:18p.m. EDT



Filename: Screenshot 2026-08-10 152106.png
Media type: image/png
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-10, 3:25:19p.m. EDT



Filename: Screenshot 2026-09-08 114313.png
Media type: image/png
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-09-08, 11:43:32 a.m. EDT
Description: Property Standards Notice

Filename: OSBY-2026-0272_signed order.pdf
Media type: application/pdf
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-11, 2:46:47 p.m. EDT
Description: Property Standard Order



City of Owen Sound
 By-law Enforcement Division
 808 2nd Avenue East
 Owen Sound, ON, N4K 2H4
 Phone: 519-376-4440 ext. 1905
 Email : enforcement@owensound.ca

Date Issued: 2026-08-11

PROPERTY STANDARDS ORDER

KEPLER REAL ESTATE
 INC
 43363 SPARTA LINE, ST
 THOMAS ON N5P 3S8

MUNICIPAL ADDRESS: 426 12TH ST W
 LEGAL DESCRIPTION: PLAN 41 E PT LOT 13
 PAYNTER;N

CASE #OSBY-2026-0272

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **426 12TH ST W**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-09-01**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
 Property Standards Committee
 City Hall, 808 2nd Avenue East
 Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-08-30**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

**Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended**

DATE: 2026-08-11

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 426 12TH ST W

LEGAL DESCRIPTION: PLAN 41 E PT LOT 13 PAYNTER;N

INSPECTOR: MICHAEL DOUGLAS, #710

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material. [By-law 1999-030, Section 2.4.2.1]

A roof of a building shall be free from loose or unsecured or unsafe objects and materials. [By-law 1999-030, Section 2.4.2.2]

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Roof, fascia board, soffit and cornice are not water-tight. On the east side of the roof, the eavestrough has been removed. Additionally, a portion of the fascia and soffit is missing, resulting in exposed roof structure. On the west side of the roof, the eavestrough is not maintained in good repair. A portion of the eavestrough is missing, and multiple sections are detached and hanging from the roof, posing a risk of further damage and improper drainage. [By-law 1999-030, Section 2.4.2.1]	Repair/Replace roof, eavestrough, fascia board, soffit and cornice with weather-tight materials and maintain in good repair.
2	Roof has loose, unsecured, unsafe objects and materials. On the west side there is section of metal eavestrough that are bent	Remove, repair, or securely fasten any loose, damaged, or unsecured materials forming part of the roof to ensure the roof

Item	Description of Violation	Work Required to Comply	050
	and hanging and are not fully secure to the roof. [By-law 1999-030, Section 2.4.2.2]	is maintained in a safe and secure condition	

Compliance Date: 2026-09-01

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Michael Douglas, #710
Property Standards Officer

Signature



Dated at Owen Sound, on 2026-08-11

Filename: Sent Items - Michael Douglas - Outlook.pdf
Media type: application/pdf
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-12, 9:03:15 a.m. EDT
Description: Email Exchange - Emailed Property Standards Order



Re: 426 12TH ST W

From Michael Douglas <mdouglas@owensound.ca>

Date Wed 2026-08-12 8:22 AM

To admin <admin@keplerresidences.com>

 3 attachments (396 KB)

OSBY 2026 0272 signed order (1).pdf; OSBY 2026 0272 Invoice 01.pdf; notice of appeal fillable form.pdf;

Please see attached a Property Standards Order for 426 12th St W, as well as the invoice for the associated costs of the order, and a Notice of Appeal Form.

The final date to comply with the order is September 1, 2026. The final date for giving notice of appeal is August 30, 2026. More information on the appeal process can be found at <https://www.owensound.ca/living-here/by-law-enforcement/property-standards-appeals/> The final date for making payment of the invoice is September 10, 2026. Unpaid invoices will be added to the tax roll after this date.

Kind Regards,

Michael Douglas
By-law Enforcement Officer
Corporate Services Department
City of Owen Sound
808 2nd Ave East, Owen Sound, ON N4K 2H4
519-376-4440 ext. 1269
mdouglas@owensound.ca
www.owensound.ca



From: Customer Service <admin@keplerresidences.com>

Sent: Wednesday, June 24, 2026 5:53 PM

To: Michael Douglas <mdouglas@owensound.ca>

Subject: Re: 426 12TH ST W

External sender <admin@keplerresidences.com>

Make sure you trust this sender before taking any actions.

Hello Michael,

We found a new contractor for this job and they stated that the work could be completed the first week of August.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Tue, Jun 23, 2026 at 4:37 PM Michael Douglas <mdouglas@owensound.ca> wrote:

Good Afternoon,

I am requesting an update on the roof. The damaged soffit on the west side of the roof remains as well as the damaged eavestrough on the east side of the roof.

Please provide an update with a scheduled date for repair.

Kind Regards,

Michael Douglas

By-law Enforcement Officer

Corporate Services Department

City of Owen Sound

808 2nd Ave East, Owen Sound, ON N4K 2H4

519-376-4440 ext. 1269

mdouglas@owensound.ca

www.owensound.ca



From: Michael Douglas <mdouglas@owensound.ca>

Sent: Monday, June 8, 2026 5:18 PM

To: Customer Service <admin@keplerresidences.com>

Subject: Re: 426 12TH ST W

Hello,

Thank you for the update and for reaching out to other contractors.

I will check in next week to see if a contractor has been lined up.

Kind Regards,

Michael Douglas
By-law Enforcement Officer
Corporate Services Department
City of Owen Sound
808 2nd Ave East, Owen Sound, ON N4K 2H4
519-376-4440 ext. 1269
mdouglas@owensound.ca
www.owensound.ca



From: Customer Service <admin@keplerresidences.com>

Sent: Monday, June 8, 2026 10:57 AM

To: Michael Douglas <mdouglas@owensound.ca>

Subject: Re: 426 12TH ST W

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Good morning Michael,

The original roofer who quoted the job is down to a minimal crew and only taking on select new jobs. We have reached out to a few more companies to quote the repair. We will provide an update as soon as possible.

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24 48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Mon, Jun 8, 2026 at 10:43 AM Michael Douglas <mdouglas@owensound.ca> wrote:

Good morning,

I am reaching out again regarding the roof at 426 12th St W.

Please provide me with an update on the repairs.

Continued non-compliance will result in a work order being issued.

Regards,

Michael Douglas
By-law Enforcement Officer
Corporate Services Department

City of Owen Sound
808 2nd Ave East, Owen Sound, ON N4K 2H4
519-376-4440 ext. 1269
mdouglas@owensound.ca
www.owensound.ca



Get [Outlook for iOS](#)

From: Michael Douglas <mdouglas@owensound.ca>
Sent: Wednesday, 03 June 2026 15:33:18
To: Customer Service <admin@keplerresidences.com>
Subject: 426 12TH ST W

Good afternoon,

Please see the attached letter for your review.

During an inspection, it was noted that portions of the roof are not in good repair and are required to be brought into compliance with the City of Owen Sound Property Standards By-law.

If you have not yet scheduled repairs, please begin to do so.

If you have any questions or require clarification, please feel free to contact me. As well, if you can update me once a repair date is scheduled, that would be greatly appreciated.

Kind regards,

Michael Douglas
By-law Enforcement Officer
Corporate Services Department

City of Owen Sound
808 2nd Ave East, Owen Sound, ON N4K 2H4
519-376-4440 ext. 1269
mdouglas@owensound.ca
www.owensound.ca



Filename: Property Standards Notice 426 12TH ST W.pdf
Media type: application/pdf
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-09-08, 12:15:58 p.m. EDT
Description: Signed Property Standards Notice



City of Owen Sound
 By-law Enforcement Division
 808 2nd Avenue East
 Owen Sound, ON, N4K 2H4
 Phone: 519-376-4440 ext. 1905
 Email : enforcement@owensound.ca

NOTICE

2026-06-03

Case # OSBY-2026-0272

KEPLER REAL ESTATE INC
 43363 SPARTA LINE
 ST THOMAS ON N5P 3S8

RE: PROPERTY STANDARDS BY-LAW VIOLATION
 426 12TH ST W, OWEN SOUND - ROLL # 4259020011031000000

Acting on a complaint received by this office an inspection was conducted at the above noted property, a property owned by you or in which you have an interest. During the inspection, violations of the City of Owen Sound's Property Standards By-law No. 1999-030, as amended were noted. The following chart outlines the violation(s) noted:

Inspection	Description
Complaint	roof, fascia board, soffit and cornice are not water-tight [By-law 1999-030, Section 2.4.2.1]
Complaint	roof has loose, unsecured, unsafe objects and materials [By-law 1999-030, Section 2.4.2.2]

Please be advised failure to comply with this Compliance Letter and failure to maintain the property may result in the issuance of a Property Standards Order. When an Order is issued, fees for a property sub-search and for preparing the Order will be invoiced to the property owner. We hope that an Order will not be required.

Please contact this office at 519-376-4440 ext. 1905 or email enforcement@owensound.ca once this notice has been received, and for any questions you may have.

Michael Douglas, #710
 By-law Enforcement Officer
 City of Owen Sound

Filename: OSBY-2026-0272 Invoice 01.pdf
Media type: application/pdf
Uploaded by: Michael Douglas, #710
Uploaded on: 2026-08-11, 2:47:09 p.m. EDT
Description: Invoice



City of Owen Sound
 By-law Enforcement Division
 808 2nd Avenue East
 Owen Sound, ON, N4K 2H4
 Phone: 519-376-4440 ext. 1905
 Email : enforcement@owensound.ca

Invoice

KEPLER REAL ESTATE INC
 43363 Sparta Line
 ST THOMAS, ON N5P 3S8

Issued Date: 2026 08 11

Due Date: 2026 09 10

Workspace of the bill

Address 426 12TH ST W
 Roll # 4259020011031000000
 Municipality Owen Sound, Ontario
 Case number OSBY 2026 0272

Invoice details

Invoice # OSBY-2026-0272-01

Item	Notes	Refundable	GL Code	Quantity	Unit price	Item total
13. Property Standards - Work Order - BYL1	No	11-2511-6101-55110	1.0	\$120.00	\$120.00	
15.a Property Subsearch Tax Account BYL2	No	11 2511 6101 55110	1.0	\$100.00	\$100.00	
				AMOUNT DUE	\$220.00	

PAYMENT OPTIONS

To pay this bill please follow the payment instructions below:

CASH, CHEQUE & DEBIT can be paid in person at the Service Owen Sound counter at City Hall with a copy of your invoice.

CERTIFIED CHEQUE can be mailed with a copy of your invoice to the By-Law Enforcement Division at City Hall.

DEBIT & CREDIT can be paid online through Cloudpermit (Please note a convenience fee from your card provider will be applied to the payment). Payment emails will be sent from Billpay@paymentus.com, please check your junk mail if you don't receive a confirmation email. **Your email must be added to the Cloudpermit file to make an online bill payment. Please contact the investigating officer directly to add your email address to the file.**

Any bill remaining unpaid after the due date listed above will be added to the tax roll of the property and collected in the same manner as municipal taxes.

INSPECTION REPORT

Case number: OSBY-2026-0272

Municipal address: 426 12TH ST W

Legal address: PLAN 41 E PT LOT 13 PAYNTER;N Case Status: Active

Case description:

eavesthroughing, roof gutter, down pipe are not maintained. [By-law 1999-030, Section 2.4.6.1]

Parties

NAME AND COMPANY	CONTACT DETAILS	ROLES
		Complainant
KEPLER REAL ESTATE INC	43363 Sparta Line, ST THOMAS +1 5193775936	Property owner

Violations

DISCOVERY DATE	COMPLY BY DATE	DESCRIPTION
2026-05-05	-	roof, fascia board, soffit and cornice are not water-tight [By-law 1999-030, Section 2.4.2.1]
2026-05-05	-	roof has loose, unsecured, unsafe objects and materials [By-law 1999-030, Section 2.4.2.2]

Inspections

Inspector: Michael Douglas, #710

Visit date: 2026-05-05

Visit time: 1:02 p.m.

Visit result: Failed (Not substantially complete)

Failure reason: Inspection complete, violations found

Inspection Notes:

An inspection of the roof and associated components was conducted at 426 12TH ST W. On the east side of the roof, the eavestrough has been removed. Additionally, a portion of the fascia and soffit is missing, resulting in exposed roof structure. During inspection, a bird and a possible nest were observed within the exposed soffit area. This condition creates an opening that allows for animal entry and does not maintain the building exterior in a good state of repair. On the west side of the roof, the eavestrough is not maintained in good repair. A portion of the eavestrough is missing, and another section is detached and hanging from the roof, posing a risk of further damage and improper drainage. These conditions constitute deficiencies under the Property Standards By-law, as exterior building elements are required to be maintained in good repair, structurally sound, weather-tight, and free from conditions that permit the entry of animals. Repairs are required to restore the soffit, fascia, and eavestroughs to proper condition.

Inspector: Michael Douglas, #710

Visit date: 2026-08-10

Visit time: 11:19 a.m.

Visit result: Failed (Not substantially complete)

Failure reason: Inspection complete, violations found

Inspection Notes:

Attended property for a re-inspection. The roof was observed to remain in not good repair. The east side of the roof remains in not good repair with damaged eavestrough, soffit and fascia. The west side of the roof remains damaged with eavestrough bent and hanging from the roof.

Photographs



City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

Date Issued: 2026-08-11

PROPERTY STANDARDS ORDER

KEPLER REAL ESTATE
INC
43363 SPARTA LINE, ST
THOMAS ON N5P 3S8

MUNICIPAL ADDRESS: 426 12TH ST W
LEGAL DESCRIPTION: PLAN 41 E PT LOT 13
PAYNTER;N

CASE #OSBY-2026-0272

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **426 12TH ST W**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-09-01**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-08-30**.

APPENDIX "A" - WORK REQUIRED TO COMPLY**PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended

By-law No. 1999-030, as amended

DATE: 2026-08-11

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 426 12TH ST W

LEGAL DESCRIPTION: PLAN 41 E PT LOT 13 PAYNTER;N

INSPECTOR: MICHAEL DOUGLAS, #710

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material. [By-law 1999-030, Section 2.4.2.1]

A roof of a building shall be free from loose or unsecured or unsafe objects and materials. [By-law 1999-030, Section 2.4.2.2]

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Roof, fascia board, soffit and cornice are not water-tight. On the east side of the roof, the eavestrough has been removed. Additionally, a portion of the fascia and soffit is missing, resulting in exposed roof structure. On the west side of the roof, the eavestrough is not maintained in good repair. A portion of the eavestrough is missing, and multiple sections are detached and hanging from the roof, posing a risk of further damage and improper drainage. [By-law 1999-030, Section 2.4.2.1]	Repair/Replace roof, eavestrough, fascia board, soffit and cornice with weather-tight materials and maintain in good repair.
2	Roof has loose, unsecured, unsafe objects and materials. On the west side there is section of metal eavestrough that are bent	Remove, repair, or securely fasten any loose, damaged, or unsecured materials forming part of the roof to ensure the roof

Item	Description of Violation	Work Required to Comply	065
	and hanging and are not fully secure to the roof. [By-law 1999-030, Section 2.4.2.2]	is maintained in a safe and secure condition	

Compliance Date: 2026-09-01

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Michael Douglas, #710
Property Standards Officer

Signature



Dated at Owen Sound, on 2026-08-11

TAB 7



BY-LAW NO. 1999-030

**"BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR
THE MAINTENANCE AND OCCUPANCY OF PROPERTY
WITHIN THE CITY OF OWEN SOUND"**

Originally Passed and Enacted March 1, 1999

Amended By By-law:	Passed On:
2008-050	April 28, 2008
2008-128	September 8, 2008
2009-023	February 9, 2009
2009-054	April 6, 2009
2011-116	July 4, 2011
2013-030	February 11, 2013
2018-044	April 9, 2018
2024-052	April 15, 2024

Consolidated Version

Revised April 16 2024

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

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BY-LAW NO. 1999-030**THE CORPORATION OF THE CITY OF OWEN SOUND****BEING A BY-LAW FOR PRESCRIBING STANDARDS
FOR THE MAINTENANCE AND OCCUPANCY OF
PROPERTY WITHIN THE CITY OF OWEN SOUND**

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Corporation of the City of Owen Sound includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the City of Owen Sound is desirous of passing a By-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a By-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS THE FOLLOWING:

PART 1 - INTERPRETATION AND ADMINISTRATION**SECTION 1.1 - SHORT TITLE**

1.1.1 This By-law may be cited as the City of Owen Sound Property Standards By-law.

SECTION 1.2 - DEFINITIONS

In this By-law:

"Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.

"Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

"Approved" means acceptance by the Property Standards Officer.

"Basement" means that portion of a building that is partly below grade, but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

"Bathroom" means a room containing a bathtub or shower with or without toilet and basin.

"Cellar" means that portion of a building that is partly or wholly below grade and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

"City" means The Corporation of the City of Owen Sound.

"Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation

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"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

"Fence" means a structure at grade erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting access to or from an open space.

"Fire Escape" means an exit or a secondary means of exit from a building.

"First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres above grade.

"Garbage" means the animal and vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.

"Good Repair" means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement.

"Habitable Room" means any room in a dwelling unit used for or capable of being used for living, eating, sleeping or cooking purposes.

"Medical Officer of Health" means the Medical Officer of Health for the Bruce-Grey-Owen Sound Health Unit.

"Multiple Dwelling" means a building or combination of buildings containing two or more dwelling units, or three or more rooming units, or a combination of rooming and dwelling units totalling three or more, and which building or buildings are located on the same lot and which lot is retained under one ownership, and shall include a lot registered under the provisions of the Condominium Act, Chapter C.26, R.S.O. 1990, as amended from time to time.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to a vertical travel between storeys and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premise appurtenant and all of the outbuildings, fences or erections thereon or therein.

"Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.

"Person" means an individual, firm, corporation, association, or partnership.

"Residential Property" means any property upon which a building has been erected containing within its walls one or more dwelling units or rooming units and which may in addition contain other accessory uses, and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion of which has been used, is used, or is capable of being used for the purpose of human habitation.

"Rooming Unit" means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to one or more persons for gain.

"Rubbish" means any combustible or non-combustible discarded or waste materials except garbage and shall include debris and other refuse.

"Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-law.

"Structurally Sound" means construction capable of withstanding the forces acting thereon when the building or structure is loaded in accordance with the provisions of

the Building Code and having a factor of safety equivalent to that required by the Building Code.

"Toilet Room" means a room containing a water closet and a wash basin.

"Vacant or Abandoned Building" means a building or structure that is not used or occupied in a continuous or ongoing manner for the purpose or purposes for which the building or structure is suitably designed and/or intended.

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

"Yard" means the lands, other than public highways around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.

- 1.2.1 Where terms are not defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION 1.3 - APPLICATION

- 1.3.1 This By-law shall apply to all property within the corporate limits of the City of Owen Sound under the authority of the City's Official Plan.
- 1.3.2 The standards for the maintenance and occupancy of property set forth in this By-law are hereby prescribed and adopted as the minimum standards for the City of Owen Sound.

Amended by By-laws 2009-054 and 2018-044

- 1.3.3 *Notwithstanding the provisions of this By-law, the Property Standards Officers will, if required be a Resolution of Council adopted from time to time, conduct a preliminary inspection of properties in the City, which preliminary inspection will be carried out pursuant to the provisions of this By-law at any property where the Officer views conditions that appear to the Officer to contravene this By-law.*
- 1.3.4 *The preliminary inspection shall include the matters set out on Schedule 'A' under the heading "Observations of the Property Shall Include the Following..."*
- 1.3.5 *The Officer shall not, without the consent of the Owner or Occupant of the property, enter onto the said property to carry out the preliminary inspection, carried out pursuant to this By-law.*
- 1.3.6 *Following the preliminary inspection of any property pursuant to subsection 1.3.3 hereof, the Officer may, in writing, notify the Owner or Occupant of the property of any work required to be carried out thereon in order that the said property will conform with the requirements in By-law 1999-030 insofar as the same are apparent to the Officer conducting the preliminary inspection.*
- 1.3.7 *City Council will by Resolution, determine, or authorize its delegate to determine, the areas of the City where Preliminary Inspections will be carried out.*

SECTION 1.4 - PROPERTY STANDARDS OFFICER

Amended by By-law 2008-128

- 1.4.1 *Property Standards Officers for the Corporation of the City of Owen Sound hereafter referred to as 'the Officer' shall be appointed by By-law adopted by City Council.*

SECTION 1.5 - PROPERTY STANDARDS COMMITTEE

- 1.5.1 The Committee of Adjustment for the City of Owen Sound shall serve as the Property Standards Committee.

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- 1.5.2 An officer who finds that a property does not conform with any standards prescribed in this by-law may make an order,
- (a) stating the municipal address or legal description of such property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition;

Amended by By-law 2008-050

- (c) *indicating the time for complying with the terms and conditions of the order and giving notice that, if the repairs or clearance is not carried out within the time specified the municipality may carry out the repair of clearance at the owner's expense.*
- (d) *indicating the final date for giving notice of appeal from the order.*

Amended by By-laws 2013-030 and 2018-044

- 1.5.3 *Every person wishing to appeal an Order made under section 15.2 (2) of the Building Code Act, S.O. 1992 c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in section 15.3 (1) of the same act. All notices of appeal shall be filled out on the prescribed form and accompanied by a non-refundable payment of the "Appeal - Property Standards Order" fee as set out in the Fees and Charges By-law.*

SECTION 1.6 - TRANSITIONAL RULES

- 1.6.1 After the date of the passing this By-law, By-law 1994-061, as amended, shall apply only to those properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including any demolition, clearance or repair carried out by the city have been concluded.

SECTION 1.7 - CERTIFICATE OF COMPLIANCE

Amended by By-laws 2013-030 and 2018-044

- 1.7.1 *Following the inspection of a property, the Officer may, or on the request of the owner shall issue to the owner a Certificate of Compliance in the prescribed form if, in the Officer's opinion, the property is in compliance with the standards of this By-law. When the owner requests a Certificate of Compliance, the owner shall pay to the City the "Certificate of Compliance" fee as set out in the Fees and Charges By-law, which shall be collected by the Officer at the time of the issuance of such certificate.*

SECTION 1.8 - MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

- 1.8.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any residential property which does not comply with the provisions and regulations set forth in Part 2 and Part 3 of this By-law and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 3 of this By-law or the site thereof shall be cleared of all buildings, structures, garbage and rubbish, and left in a graded and levelled condition.

SECTION 1.9 - MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL AND VACANT PROPERTY

- 1.9.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any non-residential or vacant property which does not comply with the provisions and regulations set forth in Part 2 and Part 4 of this By-law

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and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 4 of this By-law, or the site thereof shall be cleared of all buildings, structures, garbage and rubbish and left in a graded and levelled condition.

SECTION 1.10 - REMOVAL OF PLACARD

- 1.10.1 No person shall remove from any property any sign, notice or placard placed thereon pursuant to Section 15.2(3) of the Ontario Building Code Act, S.O. 1992, c.23.

SECTION 1.11 - PENALTIES AND ENFORCEMENT

- 1.11.1 An owner or corporation who fails to comply with an Order that is deemed to be confirmed is guilty of an offence pursuant to the penalty provisions of the *Building Code Act*, S.O. 1992, c.23.

SECTION 1.12 - VALIDITY

- 1.12.1 If any section of this By-law, or any amendments thereto, is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 1.12.2 Where provisions of this By-law conflict with the provisions of another By-law in force in the City, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 1.13 - INTERCHANGEABILITY

- 1.13.1 Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

SECTION 1.14 - HEADINGS NOT PART OF BY-LAW

- 1.14.1 The headings in the body of this By-law form no part of the By-law and are inserted for convenience of reference only.

SECTION 1.15 - ADMINISTRATION FEE

Amended by By-laws 2008-050, 2009-023, 2011-116 and 2013-030

- 1.15.1 *Supervision of the clearing of yards when the work required under an order has not been done shall be billed to the property owner as set out in the Fees and Charges By-law, as amended from time to time, under the heading "Property Clean Up" for each staff person required on site with a minimum two hour charge.*

By-law 2011-116

- 1.15.2 *A Property sub-search fee will be added to the municipal tax roll of any property that a sub-search is obtained by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.15.3 *A Work Order fee will be added to the municipal tax roll of any property that has a Work Order issued by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.16 *All fees and charges shall be recoverable in a like manner as taxes.*

PART 2 - MAINTENANCE, REPAIR AND OCCUPANCY OF ALL PROPERTY

SECTION 2.1 - GENERAL

SECTION 2.1.1 - SCOPE

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- 2.1.1.1 The provisions of Part 2 of this By-law are applicable to all property subject to this By-law.

SECTION 2.2 - LANDS AND OPEN SPACES

SECTION 2.2.1 - YARDS

- 2.2.1.1 All yards, including vacant property, shall be maintained in a good condition and shall be:
- a) kept free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable, clean receptacles for removal;
 - b) kept free from noxious weeds and the excessive growth of other weeds and grasses;
 - c) kept free of all vermin and injurious insects, and any condition, which might result in the harbouring of such pests;
 - d) maintained free from dangerous holes or excavations;
 - e) protected by suitable ground cover which prevents erosion of the soil, excluding areas used in connection with an active agricultural or gardening operation;
 - f) graded so as to be maintainable.
- 2.2.1.2 All trees in any yard or on vacant property shall be kept pruned so as to be free from dead or dying branches, the collapse of which would be capable of causing injury or damage. All dead trees and shrubs shall be promptly removed from any yard or vacant property.
- 2.2.1.3 All hedges and ornamental shrubs in any yard or on vacant property shall be pruned and trimmed so as not to present an unsightly appearance or to extend beyond the limits of the property in such a way as to interfere with the reasonable use of adjoining property and so as not to obstruct windows, doors, drains, sidewalks, vents, or exits or entrances to property.
- 2.2.1.4 All sodded and grass covered areas on any property shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance. For residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .1 metres in height, and for non-residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .15 metres in height.
- 2.2.1.5 Subject to the provisions of Section 4.2.4.1 of this By-law, no machinery, vehicle, or other chattels including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in any yard or on vacant property.
- 2.2.1.6 No machinery, vehicle, other material or other object or condition not associated with the normal occupancy and use of the property, including among other things appliances, fixtures, indoor furniture, paper, cartons, boxes or building materials such as lumber, masonry units or glass other than that intended for immediate use on the property shall be stored or allowed to remain in any yard or on vacant property.
- 2.2.1.7 Unused refrigerators or freezers shall not be stored in any yard or on vacant property, but where kept temporarily in a yard awaiting removal, the doors to the same must be securely locked or the hinges of the refrigerator or freezer door removed.

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- 2.2.1.8 Where refrigerators or freezers are used outside, the doors and/or lids to the same shall be locked to prevent small children from gaining access to them.
- 2.2.1.9 All wells located on any property shall be capped with a structurally secure material such as concrete which can not be readily removed, and which shall be maintained in good repair.
- 2.2.1.10 The occupant of a residential property may provide for compost heap(s) provided that the compost heap is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or a forty-five gallon container, a metal or wooden frame building with a concrete floor, or a commercial enclosed container designed for composting. Compost heaps shall not emit odour(s) that are detectable on any adjoining property.

SECTION 2.2.2 - DRAINAGE

- 2.2.2.1 All yards, including vacant property, shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of stormwater thereon, or the drainage of such water into any basement or cellar, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided however, that the grade level of such lands shall not be altered so as to either impede the natural flow of water through such property from any adjoining property, nor as to cause the drainage of stormwater onto any adjacent property, unless such alteration is in accordance with a grading plan approved by the City.
- 2.2.2.2 Stormwater run-off from all downspouts or impervious surfaces, and the drainage of water from all swimming pools, shall be contained within the limits of the property from which it originated until absorbed by the soil or drained to a storm sewer or to a naturally created swale or watercourse or to an artificially created ditch or watercourse that has been approved or constructed by the City. Such drainage shall be extended to take the stormwater run-off from all roof and other artificially created impervious surfaces except that the aforementioned extension may be omitted if appropriate measures are taken to ensure that such stormwater run-off is self-contained on the property as heretofore described, and further, that said stormwater will not collect thereon in such a manner as to endanger or create nuisance to persons on or adjacent to the property.

SECTION 2.2.3 - WASTE WATER

- 2.2.3.1 Sewage and water from waste pipes shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise. All sewage and wastewater shall be discharged into the City's sewerage system or a private sewage disposal system approved by the Medical Officer of Health.

SECTION 2.3 - GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

SECTION 2.3.1 - SAFETY SYSTEMS AND SUPPORT FACILITIES

- 2.3.1.1 All sprinkler systems, fire hoses, smoke detectors, fire extinguishers, fire alarm systems and apparatus, exit signs and other equipment or facilities installed in a building to provide protection from fire or other disaster shall be maintained in good repair.

Amended by By-law 2008-050

- 2.3.1.2 All elevators and elevating devices, hoists, lifts, and moving walkways and stairs shall be maintained in good repair. ~~in accordance with applicable Acts of the Province of Ontario.~~

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SECTION 2.3.2 - UNSAFE BUILDINGS AND STRUCTURES

- 2.3.2.1 Any material forming part of the supporting structure of a building or other structure, other than a farm-related accessory building or structure, which shows evidence of decay or other deterioration shall be repaired.
- 2.3.2.2 Where any building or other structure has been damaged by fire, explosion, or by any other natural or unnatural force;
- a) any remaining portion of the building or structure shall be promptly removed or secured by bracing if there is a possibility of collapse;
 - b) temporary fencing shall be installed to secure the property to prevent incidental entry by unauthorised persons; and
 - c) all damaged materials shall be immediately removed from the property, or temporarily placed within a building which shall be secured to prevent entry by unauthorised persons.

Amended by By-law No. 2024-52

- 2.3.2.3 *All vacant and abandoned buildings shall be secured against unauthorized entry, and shall be maintained in a secured state with the yards maintained in accordance with section 2.2 of this By-law.*
- 2.3.2.3.1 *For the purposes of section 2.3.2.3, windows, doors, hatchways, skylights and other exterior openings through which entry may be obtained into a vacant building are required to be:*
- a. maintained so as to properly perform their intended function and closed and secured from unauthorized entry; or*
 - b. entry shall be prevented by closing and securing an opening with any of the following materials that are weather resistant, completely cover the opening, and are securely fastened to the vacant building:*
 - i. wood sheathing of at least 12.7 millimetres plywood (or equivalent product);*
 - ii. metal sheathing;*
 - iii. brick or concrete block and mortar; or*
 - iv. any other material approved by a Property Standards Officer.*
- 2.3.2.4 All collapsed or dilapidated buildings or structures, including buildings and structures severely damaged by fire, explosion, or by any other natural or unnatural force, shall be removed from the property.

SECTION 2.3.3 - SERVICES TO A VACANT BUILDING

- 2.3.3.1 Where a building remains unoccupied or vacant for a period of time exceeding ninety (90) days, all utilities servicing the building except those necessary for the safety or security of the building shall be properly disconnected or otherwise secured, to prevent accidental damage to the building or adjacent properties.

SECTION 2.3.4 - ACCESSORY BUILDINGS AND STRUCTURES

- 2.3.4.1 All garages, carports, sheds, fences, radio and television towers, artificial lighting standards, swimming pools, signs, awnings, retaining walls, flagpoles, and other accessory buildings and structures shall be kept in good repair.
- 2.3.4.2 All fences and other accessory structures shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.
- 2.3.4.3 All outdoor children's play areas and fixed playground equipment shall be maintained in good repair.

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SECTION 2.4 - EXTERIOR MAINTENANCE OF BUILDINGS**SECTION 2.4.1 - EXTERIOR WALLS AND THEIR COMPONENTS**

- 2.4.1.1 The exterior walls of a building and their components shall be maintained so as to be weather-tight, free from loose or unsecured materials and objects and in good repair.
- 2.4.1.2 The exterior walls of a building and their components shall be maintained so as to retard deterioration due to weather, insects, or other causes. Where necessary, exterior walls and their components shall be so maintained by the painting, restoring, recovering with weatherproof material, or repairing of coping or flashing, waterproofing of joints and of the wall itself and other components, installing or repairing of termite shields, treating the soil with chemicals or using other suitable means.
- 2.4.1.3 Appropriate measures shall be taken to remove any objectionable markings, stains or other defacements occurring on the exposed finished exterior surfaces of any structure, and where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the marking, staining, or defacement occurred.
- 2.4.1.4. Exterior surfaces of a building shall be kept clean.
- 2.4.1.5 The exterior façade of all buildings shall be kept in good repair and shall be maintained so as to be free of loose or deteriorated paint and or material that would be detrimental to the aesthetic appearance of the building. The windows in any vacant building shall be maintained and be free of missing and or broken glass or the openings be covered so as not to present an unsightly appearance.

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

- 2.4.2.1 A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material.
- 2.4.2.2 A roof of a building shall be free from loose or unsecured or unsafe objects and materials.
- 2.4.2.3 All radio and television aerials, lightning arrestors, air conditioning units, stacks, pipes, vents and lighting or similar rooftop apparatus shall be maintained in good repair.

SECTION 2.4.3 - FOUNDATIONS

- 2.4.3.1 The foundation walls of a building or the foundation of any other structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance or safety of the building or structure, or the entrance of insects, rodents, or excessive moisture into the building or structure. Without limiting the generality of the foregoing, maintenance shall include the shoring or underpinning of the walls, installing subsoil drains at the footings, the grouting of masonry cracks, waterproofing of the walls and joints, and the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance or the safety of the building or structure.

SECTION 2.4.4 - EXTERIOR STAIRS, PORCHES, VERANDAS, AND BALCONIES

- 2.4.4.1 All exterior stairs, balconies, verandas, porches and every other similar outside appurtenance of a building shall be maintained in good repair.

- 2.4.4.2 All balustrades, handrails and supporting structures to exterior stairs, balconies, verandas, porches, and every other outside appurtenance of a building shall be adequate to safely support persons using the same, and the spindles shall be so placed as to meet the provisions of the Building Code.
- 2.4.4.3 Where any exterior stairs, balcony, veranda, porch, or other similar outside appurtenance of a building is replaced, the same shall be constructed in compliance with the regulations contained within the Building Code.

SECTION 2.4.5 - WINDOWS AND EXTERIOR DOORS

- 2.4.5.1 Windows, skylights exterior doors and basement or cellar hatchways of a building shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative where required.
- 2.4.5.2 All openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building.
- 2.4.5.3 Rotted or damaged doors, door frames, window frames, sashes and casings and defective door and window hardware and broken window glass shall be repaired or replaced.
- 2.4.5.4 Basement or cellar windows used or required for ventilation and every other opening in a basement, cellar or crawlspace that might permit the entry of vermin or injurious insects shall be screened with wire mesh or other material that will effectively prevent vermin or injurious insects from entering the building.

SECTION 2.4.6 - EAVESTROUGHING

- 2.4.6.1 Where eavestroughing is provided on a building, every eavestrough, roof gutter and down pipe shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative.

SECTION 2.5 - INTERIOR MAINTENANCE OF BUILDINGS

SECTION 2.5.1 - WALLS, CEILING AND FLOORS

- 2.5.1.1 All walls, ceilings and floors, including columns, beams and other supporting structures shall be maintained in good repair and be capable of safely carrying out their intended function.
- 2.5.1.2 The surface of every wall and ceiling in a building shall be maintained in good repair.
- 2.5.1.3 Every floor in a building shall be maintained in good repair; further, floors in all bathrooms, toilet rooms, and kitchens shall be maintained so that the floors can be kept in a clean and sanitary condition.
- 2.5.1.4 The floors, ceilings and walls of every building shall be kept free from such dampness or moisture as may constitute a danger to health or safety, but this shall not apply to non-habitable rooms wholly or partly below adjacent grade.
- 2.5.1.5 Every floor, wall, ceiling and fixture attached thereto in a building shall be maintained in a sanitary condition.
- 2.5.1.6 Walls, floors and ceilings within common and public areas of a building shall be kept free of defacement.
- 2.5.1.7 All interior doors and their hardware shall be kept in good repair.

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- 2.5.1.8 Walls around a bathtub or shower, which are susceptible to being wet, shall be maintained so as to be waterproof and readily cleaned.

SECTION 2.5.2 - FUEL BURNING APPLIANCES/EQUIPMENT, CHIMNEYS & VENTS

- 2.5.2.1 All fuel burning appliances, heating, cooking, and cooling equipment and appurtenances thereto located in or attached to a building shall be installed, maintained in good repair and properly vented in order to:
- a) operate in a manner as to not present a safety hazard to the building, its occupants, components or contents;
 - b) prevent the heating of the surrounding combustible and structural members above a safe temperature;
 - c) prevent the entrance of gases or fumes into the building;
 - d) have ample air supply to permit combustion.
- 2.5.2.2 All fuel shall be stored in a safe manner and where there are regulations, which deal with the storage of, said fuel, such regulations shall be complied with.
- 2.5.2.3 Every chimney, smoke pipe, flue and gas vent shall be maintained in good repair so as to prevent the leakage of gases or fumes into a building with all joints sealed and all broken or loose masonry repaired and kept free of obstructions so as to be in a safe and fire resistant condition.

SECTION 2.5.3 - WATER AND SEWAGE FACILITIES

- 2.5.3.1 Where sewage facilities are provided to a building, the same shall be kept in good repair at all times in order to adequately service such building. Where sewage facilities cease to be required for any building the same shall be closed off and all plumbing leading to the same capped in order to prevent leakage or the escape of odours or gases therefrom.
- 2.5.3.2 All plumbing, including every drain pipe, water pipe, toilet, and other plumbing fixtures in a building and every connecting line to the sewerage system or other approved disposal method shall be maintained in good repair.
- 2.5.3.3 All water pipes and appurtenances thereto shall be maintained in good repair and shall be protected from freezing.
- 2.5.3.4 Each plumbing fixture shall be connected to the sewerage system or other approved disposal method through a water seal trap. All unused plumbing, drains, and/or plumbing stacks shall be closed off to prevent gas or odour from entering the building.
- 2.5.3.5 Adequate running water shall be provided for every standard flush type toilet provided in a building.
- 2.5.3.6 Where a toilet is provided, a wash basin shall be provided in the same or an adjoining room.

SECTION 2.5.4 - HEATING SYSTEM

- 2.5.4.1 Where a heating system is provided in or for a building, the same shall be maintained in good repair, in accordance with recognised standards so as to be capable of heating the building safely.
- 2.5.4.2 Heating appliances shall not be placed so as to constitute a fire hazard, and shall be placed in accordance with the requirements of the Building Code.

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- 2.5.4.3 For purposes of Sections 2.5.4.1 and 2.5.4.2 of this By-law, a portable heating unit or system shall not be considered a heating system or heating appliance.

SECTION 2.5.5 - ELECTRICAL SERVICE

- 2.5.5.1 When an electrical service is provided to a building, the same including all electrical fixtures, equipment and appliances located or used in the building shall be maintained in good repair.

Amended by By-law 2008-050

- 2.5.5.2 *Every electrical system within a building shall be maintained in good repair.*

- 2.5.5.3 The capacity of the electrical service connection to a building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use of the building.

SECTION 2.5.6 - VENTILATION

- 2.5.6.1 Every bathroom or toilet room within a building shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights providing a minimum aggregate unobstructed free flow area of .1 square metres, provided however that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the building, and which operates continuously or is activated by the light switch for the bathroom or toilet room, or by other approved means.
- 2.5.6.2 Where an aperture such as a window, skylight or louver is used for ventilation in a building, the aperture shall be maintained so as to be easily opened and closed, or kept open.
- 2.5.6.3 All systems of mechanical ventilation or air-conditioning in a building shall be maintained in good repair.

SECTION 2.5.7 - EGRESS AND FIRE ESCAPES

- 2.5.7.1 All safety equipment relative to exits and means of egress, such as doors, closures, co-ordinating devices, and astragals, smoke seals and pressurised vestibules, latching devices, hinges and the like, shall be maintained in good repair.
- 2.5.7.2 Stairways and landings shall be capable of supporting loads for which they are intended, and shall be maintained in good repair, and shall be kept clear and unobstructed.
- 2.5.7.3 Balustrades and handrails on the main means of egress and supporting structures shall be adequate to safely support persons using the facility. Stairs, guards and hand railings on the main means of egress shall be maintained in good repair and the spindles thereon shall be so placed so as to meet the provisions of the Building Code.
- 2.5.7.4 Fire escapes shall be installed in compliance with the Building Code and kept free of dangerous accumulations of snow and ice.

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

- 2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.
- 2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall

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advise the Owen Sound Fire Department prior to commencement of the fumigation.

SECTION 2.6 - GARBAGE AND RUBBISH

SECTION 2.6.1 - REFUSE STORAGE AND REMOVAL

- 2.6.1.1 All garbage and rubbish shall be stored in a sanitary manner in containers of durable leak proof and non-absorbent material or plastic garbage bags that can be effectively closed.
- 2.6.1.2 Containers used to store or keep garbage or rubbish shall be cleaned as necessary to ensure public health and safety and to eliminate the potential of odours.
- 2.6.1.3 Garbage and rubbish shall not be permitted to accumulate and remain on any property to an extent or for a length of time so as to constitute a health or safety hazard. Garbage or rubbish stored on any property that emits an odour that is detectable within a dwelling on the same lot or within any yard on an adjoining property shall forthwith be removed.
- 2.6.1.4 Any container not located within an enclosed building which is used to store or keep putrescible garbage shall have lids or other coverings for all openings, which lids or other coverings shall remain closed at all times.

PART 3 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

SECTION 3.1 - GENERAL

SECTION 3.1.1 - SCOPE

- 3.1.1. The provisions of Part 3 of this By-law are special requirements that relate only to residential property and are in addition to the provisions of Part 2, which also apply to residential property.

SECTION 3.2 - MAINTENANCE OF RESIDENTIAL PROPERTY

SECTION 3.2.1 - FIRE SEPARATIONS

- 3.2.1.1 Where physically possible, where two dwelling units share one or more common walls or floors/ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be maintained, which shall include the installation of fire rated doors, frames and closures when required.

Amended by By-law 2008-050.

- 3.2.1.2 *Where three or more dwelling units share one or more common walls or floors/ ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be established and maintained.*

SECTION 3.2.2 - HEATING AND HEATING SYSTEMS

- 3.2.2.1 Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius at one (1) metre above floor level and one (1) metre and more from exterior walls in all habitable rooms, bathrooms, and toilet rooms when the temperature outside the dwelling is -21 degrees Celsius.

Amended by By-law 2008-050.

- 3.2.2.2 *Where a multiple dwelling contains a central heating system, the same shall be located in a separate service room having minimum fire separation from the remainder of the building.*

SECTION 3.2.3 - ELECTRICAL SERVICE AND LIGHTING

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- 3.2.3.1 Every dwelling shall be serviced with a safe and adequate supply of electricity.

Amended by By-law 2008-050

- 3.2.3.2 *Every habitable room in a dwelling shall have a sufficient number of electrical outlets.*

- 3.2.3.3 *Every laundry area in a dwelling shall have a minimum of one (1) electrical duplex convenience outlet, which shall be maintained in good repair.*

- 3.2.3.4 Every bathroom, toilet room, kitchen, laundry area, furnace area, hall, stairway, basement, cellar, elevator, and non-habitable work area in a dwelling shall be provided with a permanent electrical light fixture that shall be maintained in good repair.

- 3.2.3.5 All common halls, vestibules, ramps, enclosed or underground automobile parking areas, interior and exterior points of ingress or egress in multiple dwellings shall be provided with an adequate degree of illumination at all times so as to ensure safe entry onto and use of said areas.

SECTION 3.2.4 - NATURAL LIGHT

- 3.2.4.1 Every habitable room within a dwelling, except a kitchen, bathroom, toilet room, storage room and den, shall have a window or windows, skylights, translucent panels, or glass area of an outside door that faces directly to the outside at least .15 metres above adjoining finished grade, or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to 5 percent of the floor area of the room.

SECTION 3.2.5 - VENTILATION

- 3.2.5.1 Every habitable room within a dwelling, except a living room or dining room, shall have an opening or openings for natural ventilation, located in the exterior walls or through openable parts of skylights, providing a minimum aggregated unobstructed free flow area of .2 square metres, provided however that an opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the total volume of air once each hour.
- 3.2.5.2 Every attic, basement, cellar and unheated crawl space in a dwelling shall be adequately vented to the outside. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than 1 percent of the floor area, and for an unheated crawl space, a number of louvers with an insect screen of corrosion-resistant material are provided.

SECTION 3.2.6 - KITCHEN FACILITIES

- 3.2.6.1 Every dwelling unit shall be provided with at least one (1) kitchen sink maintained in good repair and attached to an approved means of sewage disposal.
- 3.2.6.2 Every dwelling unit shall contain a kitchen area equipped with:
- at least one (1) sink served with hot and cold running water and space for a stove and a refrigerator.
 - suitable storage area of not less than 0.23 cubic metres,
 - a counter or work area at least 0.61 m in width by 1.22 m in length, exclusive of sink, and covered with a material that is impervious to moisture and grease and is easily cleanable.
- 3.2.6.3 When a stove and/or refrigerator are provided in a dwelling, such appliances shall be in good repair.

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- 3.2.6.4 Every kitchen in a dwelling shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 3.2.6.5 Within a dwelling, there shall be at least .75 metres clear space above any exposed cooking surface.

SECTION 3.2.7 - TOILET AND BATHROOM FACILITIES

- 3.2.7.1 Except as otherwise provided in Section 3.2.7.4 of this By-law, every dwelling unit and rooming unit shall contain at minimum one (1) wash basin, one (1) bathtub or shower, and one (1) standard flush type toilet, attached to an approved means of sewage disposal.
- 3.2.7.2 In a multiple dwelling, every wash basin, bathtub or shower required by this By-law shall have an adequate supply of cold water and hot running water capable of being drawn from the tap at a temperature of minimum 49 degrees Celsius.
- 3.2.7.3 In a multiple dwelling, every bathtub, shower and toilet shall be fully enclosed within a room equipped with a door capable of being closed for privacy, and shall be separated from any room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes, and shall be located within the dwelling unit or rooming unit except as otherwise provided in Section 3.2.7.4 of this By-law.
- 3.2.7.4 The requirements of Sections 3.2.7.1 and 3.2.7.2 of this By-law shall not prevent the occupants of a residential property containing only rooming units from sharing a toilet, wash basin, or bathtub or shower provided that access to the toilet, wash basin, and the bathtub or shower is available without going through a room or rooms of another rooming unit and provided that at least one (1) toilet, one (1) wash basin and one (1) bathtub or shower is supplied for each six (6) persons or fraction thereof, who share the said facilities. This Section shall not apply to limit the number of occupants of a rooming unit who have sole access to and control over the facilities specified in Section 3.2.7.1 of this By-law.

SECTION 3.2.8 - EGRESS AND FIRE ESCAPES

- 3.2.8.1. Every dwelling unit shall have a safe, continuous and unobstructed means of egress from the interior of every dwelling or rooming unit to the outside at grade level or a ground floor entrance. The egress to exit shall be kept clear at all times and shall be as direct as practical, without the necessity of passing through a room or rooms that is or are occupied by or are under the control of any other dwelling or rooming unit, or other exclusive occupancy in the building.
- 3.2.8.2 A means of egress as set out in Section 3.2.8.1 of this By-law shall not pass through an attached or built-in-garage or an enclosed part of any other building.

SECTION 3.2.9 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

Amended by By-law 2008-050

- 3.2.9.1 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.*
- 3.2.9.2 *On every residential property all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.*
- 3.2.9.3 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with*

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an adequate degree of illumination at all times so as to ensure safe use of these said areas.

3.2.9.4 *All off street parking areas and driveways on every residential property shall be:*

- a) *constructed and maintained with a stable surface of asphalt, concrete, brick, compacted crush stone or similar material capable of supporting the weight of motor vehicles and preventing the raising of dust; and*
- b) *graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.*

SECTION 3.2.10 – WINDOW

- 3.2.10.1 All windows in a dwelling that are designed to open shall open easily without the aid of special tools and shall be capable of remaining in an open position without additional supports.
- 3.2.10.2 All openable windows in a dwelling shall be screened in order to prevent the entry of insects, termites and other pests and all such screens shall be properly latched or secured in order to prevent the easy removal or opening by small children as provided for in the Building Code.
- 3.2.10.3 Where windows in a multiple dwelling are more than 3 metres from adjacent ground level and are less than one (1) metre from the floor, guards or restrictions shall be established, or such windows shall be designed to withstand lateral loading so as to prevent small children from falling through the window opening.

SECTION 3.2.11 – GARBAGE AND RUBBISH STORAGE

- 3.2.11.1 Every multiple dwelling shall have provided on the same lot therewith, whether inside or outside of a building, an area designated for the temporary storage of garbage and rubbish.
- 3.2.11.2 Where garbage or rubbish is stored inside a multiple dwelling, the storage area, garbage chutes if any, and the receptacles shall be:
 - a) kept in a clean and sanitary condition, washed and disinfected as often as necessary to maintain a clean condition;
 - b) enclosed so as to prevent the entry of insects, rodents and vermin into the storage area;
 - c) provided with the necessary screens and/or shields to prevent the entry of insects or vermin into any portion of a dwelling; and
 - d) ventilated so that no noxious odours enter any portion of the dwelling.
- 3.2.11.3 All garbage and rubbish containers and receptacles kept on any residential property shall be screened from view and shall be provided with covers so that the material contained therein is not exposed to public view or to insects or other pests.

SECTION 3.2.12 – LOCKING DEVICES

- 3.2.12.1 In a multiple dwelling, all doors to the exterior or to a common entrance or exit system shall have locking devices installed and such devices shall be maintained at all times in good repair and shall be openable from the inside without requiring the use of a key or special tool.
- 3.2.12.2 In a multiple dwelling, all doors providing access to dwelling units and rooming units shall include a locking device for use by the occupant.

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- 3.2.12.3 In a multiple dwelling, all windows or other openings through which unauthorized entry can be gained to a dwelling unit or a rooming unit shall be equipped with a locking or other appropriate security device for use by the occupant.
- 3.2.12.4 In a multiple dwelling, locking devices which incorporate panic hardware shall be used where necessary in accordance with the provisions of the Building Code.
- 3.2.12.5 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

SECTION 3.2.13 - WATER FACILITIES

- 3.2.13.1 No dwelling unit or rooming unit in a multiple dwelling shall be let unless the following water facilities are provided:
- a) Where the facilities of a municipal water system are located on the street within thirty (30) metres of a multiple dwelling, every such multiple dwelling shall be connected thereto, providing permission for such connection can be obtained from the City's Public Utilities Commission.
 - b) Where the facilities of a municipal water system are not available or connection to the system is for any reason not permitted by the City's Public Utilities Commission or is not required by the City, a multiple dwelling shall be supplied with an adequate supply of potable running water in accordance with the requirements of the Building Code.
- 3.2.13.2 If an adequate supply of potable running water is being used to service a multiple dwelling from a source other than the municipal water system, occupancy of a dwelling unit or rooming unit therein shall be permitted notwithstanding the provisions of Section 3.2.13.1 a) of this By-law provided:
- a) such system is approved in writing by the Medical Officer of Health; and
 - b) the water is tested annually and such test indicates that such water is potable.

SECTION 3.2.14 - OCCUPANCY STANDARDS

- 3.2.14.1 The number of occupants in a dwelling unit or rooming unit of a multiple dwelling shall not exceed 1 person for each 9.3 square metres of the total floor area of all the habitable rooms within the dwelling unit or rooming unit.

Amended by By-law 2008-050

- 3.2.14.2 For the purpose of computing the total floor area of the habitable rooms in Section 3.2.14.1 of this By-law and the floor area in Section 3.2.14.3 of this By-law, the minimum ceiling height shall be ~~2.2~~ 2.1 metres over at least one half of the required floor area. Any part of the floor having a clear height of less than 1.4 metres shall not be considered in computing the required floor area. No room shall be considered a habitable room if located so that more than one half its height is below the level of the ground adjacent to its exterior walls.
- 3.2.14.3 No room in a multiple dwelling shall be used for sleeping purposes unless it has a minimum width of 1.8 metres and a floor area of at least 7 square metres, and further, a room used for sleeping purposes by 2 or more persons shall have a floor area of at least 4.6 square metres for each person so using the room.

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PART 4 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL PROPERTY

SECTION 4.1 - GENERAL

SECTION 4.1.1 - SCOPE

- 4.1.1.1 The provisions of Part 4 of this By-law are special requirements that relate only to non-residential property and are in addition to the various provisions of Part 2, which also apply to non-residential property.

SECTION 4.2 - MAINTENANCE OF NON-RESIDENTIAL PROPERTY

SECTION 4.2.1 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

- 4.2.1.1 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.
- 4.2.1.2 On any non-residential property, all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.
- 4.2.1.3 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with an adequate degree of illumination at all times so as to ensure safe use of these said areas.
- 4.2.1.4 All offstreet parking areas and driveways on any non-residential property shall be:
- a) constructed and maintained with a stable surface of asphalt, concrete, brick, or other material capable of supporting the weight of motor vehicles and preventing the raising of dust; and
 - b) graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.

SECTION 4.2.2 - LIGHTING

- 4.2.2.1 All common halls, vestibules, ramps, stairs, elevators, enclosed or underground automobile parking areas, interior and exterior points of ingress and egress in any non-residential building shall be provided with an adequate degree of illumination so as to ensure safe entry onto and/or use of the said areas, but this requirement shall not apply to require such lighting to be used if non-use of the required lighting achieves security objectives, provided such lighting is available for use when required and no public hazard is created by such non-use.

SECTION 4.2.3 - RESTROOMS

- 4.2.3.1 Rooms containing sanitary conveniences and toilet facilities shall be cleaned regularly so as to be in a sanitary condition.

SECTION 4.2.4 - AUTOMOTIVE REPAIR AND SERVICE ESTABLISHMENTS

- 4.2.4.1 Notwithstanding the provisions of Section 2.2.1.5 of this By-law, any business engaged in the repair of automobiles may store temporarily on the same lot therewith vehicles which may be in a wrecked condition that are to be either repaired at the same premises or removed for disposal, within the immediate future.

DVD

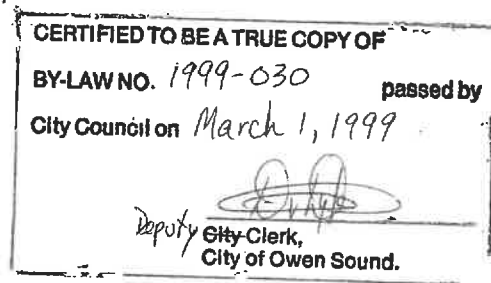
PART 5 - GENERAL**SECTION 5.1 - BY-LAWS REPEALED**

5.1.1 By-law Numbers 1994-061 and 1994-124 are hereby repealed.

SECTION 5.2 - EFFECTIVE DATE

5.2.1 This By-law shall come into full force and effect upon the final passing hereof.

FINALLY PASSED AND ENACTED this 1st day of March, 1999.



Signature on File

Mayor

Signature on File

Clerk

SCHEDULE A

Amended by By-laws 2009-054 and 2018-044

Patrols will be carried out by the Property Standards Officer mainly to observe the exterior conditions of the property.

A Property Standards Officer may inspect the side and rear yards of a property where it appears to the Officer, without entry onto the property, that there is a contravention of the Property Standards By-law or other regulatory By-laws are likely to exist.

Observations of the property shall include the following:

- Condition of the entryway to the property, walkways, brick/stonework, pathways leading to an entrance to the house
- Condition of the yard
- Fencing
- Driveways and other accesses to the property
- Front entrance including condition of any stairs, porches, verandas, entry ways as visible through cursory observation
- Exterior finish
- Condition of and access to exterior windows and doors
- Exterior soffit and fascia
- Roofing and chimney

DvD