

***A BY-LAW RESPECTING
MINIMUM STANDARDS FOR RESIDENTIAL OCCUPANCIES***

Pursuant to Section 181 of the Municipal Government Act, BE IT ENACTED by the Council of the Municipality of the Town of Antigonish as follows.

1. (1) This By-law shall be known as the “Minimum Standards For Residential Occupancies By-law”. It shall apply to all residential buildings within the Town of Antigonish.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

Definitions

2. (1) Unless otherwise defined herein, definitions contained in the *Nova Scotia Building Code Act, Regulations and Code*, the *Nova Scotia Fire Safety Act, Regulations and Code* and *The Municipal Government Act* also apply to this By-law.
- (2) In this By-law
 - (a) “Building”, for the purposes of this by-law, means any structure having a roof supported by columns or walls and intended to provide residential accommodation and which is connected, directly or indirectly, to either Municipal Services or on-site system.
 - (b) “Council” means the Council for the Town of Antigonish.
 - (c) “Dwelling Unit” means a suite operated as a house keeping unit, used or intended to be used as a domicile by one or more persons containing cooking, eating, sleeping and bathroom facilities.
 - (d) “Habitable room” means a room designed for or which may be used for living, sleeping, eating or cooking.
 - (e) “Inspector” means the person appointed by the Municipality to be the Inspector of Buildings or their designate.
 - (f) “Municipality” means the Town of Antigonish.
 - (g) “Order to Comply” means a notice to the owner of a building to correct any violations of this bylaw.
 - (h) “Owner” includes any one or combination of the following as defined in the *Municipal Government Act*:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building,
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (iii) in the absence of proof to the contrary, the person assessed for the property.
 - (i) “Provincial Building Code” means the National Building Code as adopted pursuant to the Nova Scotia Building Code Regulations including amendments as may be made from time to time.
 - (j) “Residential Building” means buildings, or portions of buildings, which contain and serve dwelling units.

General Duties and Obligations

3. The owner of a building shall maintain the building to the standards as provided in this By-law and failure to meet each and every standard shall constitute a separate offence.
4. The owner of a building built subsequent to the coming into force of this By-law shall maintain the building to the pertinent standards of the Provincial Building Code.
5. The standards of this By-law are minimum standards and this By-law shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs and alterations.

Inspections

6. (1) Where an inspection is required or conducted pursuant to this By-law:
 - (a) Inspections shall be carried out between the hours of 9 am and 8 pm and shall be preceded by written notice to the occupier at least 24 hours in advance;
 - (b) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the inspector entry to the building, and
 - (ii) restraining a person from further interference.
 - (iii) to recover all costs associated with any such order.

Orders by the Inspector

7. (1) If after an inspection, the Inspector is satisfied that in some respect, the building does not conform to the standards prescribed in this By-law, the Inspector shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of such Order.
- (2) Every Order to Comply shall contain
 - (a) the standards with which the building does not comply;
 - (b) the date after which the building will be subject to a reinspection to ascertain compliance with the Order;

GENERAL MAINTENANCE STANDARDS

Fire Prevention

8. (1) Fire alarm and detection systems shall be maintained in an operational condition at all time;
- (2) Buildings constructed, which were required to have a fire alarm system pursuant to the Provincial Building Code, shall be so equipped;
- (3) For dwelling units which are not owner - occupied, and where the Provincial Building Code does not require the installation of a fire alarm system, a wired in smoke alarm system with battery back-up shall be installed in compliance with applicable code(s);

- (4) Fire separations for multi- unit occupancies shall be updated to current code unless alternate compliance can be demonstrated.

Structural Soundness

9. (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected.
- (2) The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Drainage and Prevention of Dampness

10. (1) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.
- (2) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from excessive dampness.

Roofs

11. (1) Roofs shall be kept weather tight and free from leaks.
- (2) Every eaves trough, roof gutter and down-pipe shall be kept:
 - (a) in good repair,
 - (b) in good working order,
 - (c) watertight and free from leaks,
 - (d) free from health and accident hazards.
- (3) Every roof shall be kept free from:
 - (a) loose or and accident hazards,
 - (b) dangerous accumulations of snow and ice,
 - (c) all other fire and accident hazards.

Foundations & Exterior Walls

12. (1) The components of every exterior wall of a building and the exterior wall shall: be maintained, weather tight, free from loose or unsecured objects and materials and prevent the entrance of insects and animals.
- (2) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.
- (3) Buildings shall be kept free from infestation of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pest Control Products (Nova Scotia) Act*.

Windows and Doors

13. (1) Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.
- (2) All windows that are operable shall have suitable hardware so as to allow locking or otherwise securing from inside.
- (3) At least one window in each sleeping room shall meet egress standards as required by the Provincial Building Code.
- (4) All exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside.
- (5) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self closing device to prevent the passage of gases into the remainder of the building.

Egress

14. (1) Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level.
- (2) Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window or door operable from inside without requiring keys or specialized knowledge.
- (3) Any required egress shall not pass through a room in another dwelling unit or a service room.

Stairs, Decks and Balconies

15. (1) Stairs, porches, balconies and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards.
- (2) Every open side of a stairway, flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail, firmly attached, so as to provide reasonable protection against accident or injury, where:
 - (a) the vertical rise between the base of the stairway and the top of the stairway exceeds 2' (0.6m) - excepting those leading to cellars or crawlspaces; or
 - (b) the flat roof, terrace, verandah, porch, landing or stairwell:
 - (i) is more than 2' (0.6 m) above the ground floor or other horizontal place below, and
 - (ii) can be used by any person who is in, on or at the building.
- (3) Every stairway that does not require a guard under Subsection (2), and stairways leading to cellars or crawl spaces, shall have a rigid handrail on at least one side of the stairway firmly attached so as to provide reasonable support for the persons using the stairway.

Interior Walls, Ceilings, and Floors

16. (1) Every wall and floor in a building shall be reasonably smooth and level and maintained so as to be free of all protruding, broken, or decayed boards or coverings.

- (2) Walls surrounding showers or bathtubs shall be impervious to water.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be reasonably impervious to water.

Fireplaces, Fuel-burning Appliances, and Chimneys

17. (1) Equipment that burns fuel, heating equipment, and every vent pipe, chimney, flue or duct connected to same, shall be so constructed, placed, protected and maintained in good repair as to prevent unsafe or dangerous conditions and the entrance of noxious gases in to the dwelling.
- (2) Every fireplace used, capable of being used, or intended to be used, shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (3) If, in the opinion of the Inspector, there is doubt as to the safety of the heating system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Heating

18. (1) Every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 20 degrees Celsius throughout all occupied areas.
- (2) Every dwelling unit shall have a thermostat, or other suitable means, for the purpose of controlling room heat.

Plumbing Facilities and Fixtures

19. (1) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be capable of being supplied at a temperature of not less than 43 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided as required.
- (2) All plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition, free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- (3) All plumbing fixtures shall be connected to the sewage system through water seal traps and be appropriately vented.
- (4) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve.

Bathrooms

20. (1) Every bathroom or toilet room shall be fully enclosed and provided with a door equipped with a privacy latch. Where practical, a wash basin shall be located in the same room as the toilet.
- (2) Where a bathroom is shared by occupants of residential accommodation, an appropriate entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.

- (3) Every bathroom shall be equipped with either an operable window or a mechanical exhaust fan which shall be maintained in good working order.

Kitchens

21. (1) Every kitchen shall be equipped with sink that is served with hot and cold running water, suitable storage facilities and a counter top work area. Space and electrical outlets shall be provided for a stove and refrigerator.

Sleeping Rooms

22. (1) A room to be used for sleeping purposes shall:
 - (a) have a minimum floor area of 80 square feet (7.43 square metres) or be shown to be capable of accommodating a bed and bureau;
 - (b) have a minimum of 50 square feet (4.64 square metres) per person where occupied by more than one person;
 - (c) have a minimum ceiling height of 6 feet - 6 inches (2 metres) over at least 60% of the floor area;
 - (d) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical System

23. (1) Every habitable room which is for let in a building, shall have at least two duplex receptacles.
 - (2) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in buildings and dwelling units shall be installed and maintained in good working order so as to be deemed not to constitute a fire, or electrical shock hazard.
 - (3) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control that fixture.
 - (4) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a least one approved duplex receptacle and be ground fault interrupted where deemed necessary.
 - (5) Lighting fixtures and appliances installed throughout buildings and dwellings, including stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards during normal use.
 - (6) If in the opinion of the Inspector, there is doubt as to the safety of the electrical system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, construction methods, be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Natural Light and Ventilation

24. (1) Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylight or translucent panel opening directly to an outside space.

- (2) Where adequate ventilation is not provided by means of a mechanical system, every occupied room shall have an operable window, skylight, or door capable of providing ventilation.
- (3) All systems of mechanical ventilation shall be maintained in good working order.
- (4) All enclosed areas including basements, cellars, crawl spaces, and attics, or roof spaces, shall be adequately ventilated.

ENFORCEMENT

- 25. (1) Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order.
- (2) An owner may appeal an Order made pursuant to section 7. Such appeals must be submitted to Council within seven days after the Order is served
- (3) In the event of the failure to remedy the violation described in any order issued under this by-law within the time period fixed in the order, a summary offense ticket shall be issued for every day that the remedy is not effected. The fine associated with the Summary Offence ticket shall be set at \$250. Notwithstanding the foregoing, should the nature of the violation involve a threat to life safety, the Clerk may apply to the supreme Court for any or all of the remedies provided for in Section 181 of the Municipal Government Act.
- (4) In the event of the failure to remedy the violation within thirty days after such service, the person shall be liable upon conviction to the penalties provided by Section 508 of the Municipal Government Act.

PENALTIES

- 26. (1) In addition to any other remedy provided for in this By-law, any person who contravenes any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty not exceeding One Thousand Dollars (\$1,000.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.
- (2) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty for each day during which such contravention or failure has been continued.

This Is To Certify that the foregoing Bylaw was duly passed at a duly called meeting of the Council of the Town of Antigonish held the 19th day of December, 2005.

Brian R. MacNeil
Town Clerk & Treasurer
Town of Antigonish

Date