

***TOWN OF MARKHAM***  
***ONTARIO***



**BY-LAW 248-1999**

**PROPERTY STANDARDS BY-LAW**

This By-law is printed under and  
by authority of the Council of  
the Town of Markham

(Consolidated for convenience only  
to November 23, 2004)

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**AS AMENDED BY:**

By-law 2001-113 - May 8, 2001  
By-law 2004-308 – November 16, 2004



## 248-1999

A by-law to establish standards for the maintenance and occupancy of property in the Town of Markham.

**(PROPERTY STANDARDS BY-LAW)**

WHEREAS Section 15.4 of the *Building Code Act*, 1992 S. O. c. 23 (as amended, "the Act") authorizes Council to cause a property that has been the subject of a confirmed property standards order to be repaired or demolished under certain circumstances;

(Amended by  
By-law 2001-113)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

**1. SHORT TITLE**

This by-law may be cited as the Property Standards By-Law.

**2. DEFINITIONS**

In this by-law:

“Accessory Building” means a detached subordinate building on the same lot as the main building;

“Committee” means the Property Standards Committee established pursuant to the provisions of this by-law;

“Dwelling” shall mean 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 and includes the land and premises appurtenant thereto and all out buildings, fences and erections thereon or therein;

“Dwelling Unit” means one (1) or more rooms connected together as a separate unit in the same dwelling and constituting an independent housekeeping unit, for residential occupancy by humans with facilities for a bathroom with a water closet and basin, and facilities for persons to sleep and cook;

“Driveway” means the minimum defined area required to provide access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building or structure, except that in the case of a residential property “driveway” means only the minimum defined area required to provide direct access from the street to a garage or permitted parking area;

“Last Known Address” means the address which appears on the Assessment Rolls of the Town;

“Medical Officer of Health” means the Medical Officer of Health for the Region of York;

“Nuisance” means an injurious, offensive or objectionable condition;

“Occupant” means any person or persons over the age of eighteen (18) years in possession of the property;

“Officer” means a Property Standards Officer of the Corporation, duly appointed by by-law to administer and enforce the provisions of this by-law;

“Owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person’s own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;

“Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and is divided into;

- (a) “Non-Residential Property” means property which is not occupied nor capable of being occupied in whole or in part for the purpose of human habitation,
- (b) “Residential Property” means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation; and
- (c) “Vacant Land” means property on which there are no structures of any kind but does not include open space land designated as such by the Town;

“Repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law;

“Sewerage System” means the sanitary sewerage system or storm sewerage system of Markham or the Regional Municipality of York, or an approved private sewerage disposal system.

“Standards” means the standards prescribed in Parts I, II and III of this by-law;

“Town” means the Corporation of the Town of Markham;

“Vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

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

### **3. SEVERABILITY**

If any section, subsection or part of this by-law or parts thereof, are declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## **PART I** **RESIDENTIAL PROPERTY STANDARDS**

4. This part prescribes the standards for every residential property situated in the Town of Markham.

### **5. MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS**

(1) A yard shall be kept clean and free from:

- (a) rubbish or other debris;
- (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and
- (c) objects or conditions that may create a health or safety hazard.

(2) Heavy undergrowth shall be removed from the yard.

- (3) A yard shall be cultivated or protected by suitable ground cover so as to prevent the erosion of the soil.
- (4) Lawns, hedges and bushes shall:
  - (a) be kept trimmed;
  - (b) not be overgrown or unsightly; and
  - (c) grass shall not exceed a maximum height of 15 centimetres.
- (5) No hedge shall be erected in a location which will, does or may, in the opinion of the officer:
  - (a) adversely affect the safety of the public;
  - (b) affect the safety of vehicular or pedestrian traffic; or
  - (c) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.

## **6. VEHICLES**

- (1) Any vehicle which is in a wrecked, discarded, dismantled, inoperative or in an abandoned condition, shall not be parked, stored or left in any driveway or yard.
- (2) Nothing in subsection (1) prevents the occupant of a residential property from repairing a vehicle which is the occupant's own vehicle provided that:
  - (a) there is only one (1) vehicle being repaired; and
  - (b) the vehicle is being actively repaired.
- (3) No vehicle shall be used for the storage of garbage, rubbish, waste, debris inoperable equipment, materials, appliances, or similar items.
- (4) No vehicle shall be parked in any yard except on a driveway.

**7. APPLIANCES**

Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self-latching or self-locking device and shall be:

- (a) in working order;
- (b) secured with a locking device; and
- (c) locked at all times except when actually being used and supervised.

**8. ILLUMINATION**

- (1) Lights used to illuminate any area for vehicular traffic or parking shall be arranged, installed or designed so as to deflect away from abutting properties.
- (2) Lighting shall be deemed adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle power) at ground or tread level at all exterior steps, walks driveways or similar areas.
- (3) In all yards, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order and shall be contained within the limits of the property.
- (4) Security lights shall be shielded, shall not exceed 100 watts and shall be contained within the limits of the property.

**9. SWIMMING POOLS**

- (1) Every swimming pool shall be maintained:
  - (a) in a clean and safe condition;
  - (b) free from leaks and faulty components and equipment; and
  - (c) every purification system for a swimming pool shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.
- (2) Every swimming pool while not in use on a regular basis shall be covered and protected to prevent stagnation of water and breeding of mosquitoes.

**10. WASTE MANAGEMENT & STORAGE**

- (1) Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition or are deleterious to the neighbouring environment shall be removed.
- (2) Nothing in this section shall prevent the occupant of a residential property from having a composter or a neatly kept compost heap provided that it is maintained free of offensive odours and kept in such a condition that it will not attract insects, rats or other vermin.
- (3) Domestic storage, such as firewood, building materials, garden equipment and materials may be stored in a rear or side yard, provided that:
  - (a) such storage does not exceed 15 percent of the yard area in which it is stored; and
  - (b) such storage shall be neatly piled.
  - (c) no such storage shall be permitted in the front yard between the front wall of the building and the street line.
- (4) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property, provided that:
  - (a) it is removed frequently and in its entirety from the property;
  - (b) it will not cause risk to the health or safety of any persons; and
  - (c) it is not stored in an unsightly manner.

**11. SEWAGE AND DRAINAGE**

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Untreated or inadequately treated sewage shall not be discharged on to the surface of the ground whether into a natural or artificial drainage system or otherwise.
- (3) Roof drainage or surface water shall:
  - (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - (b) not be discharged on sidewalks, stairs, or neighbouring property.
- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.

- (5) Where eavestrough and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where physically possible.
- (6) Subsection (5) does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- (7) Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- (8) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

## **12. SAFE PASSAGE**

- (1) All surfaced paths, sidewalks, patios, steps, ramps, building entrances, driveways and parking areas shall be:
  - (a) maintained in a hole-free condition and free of any settlements that might cause tripping;
  - (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather, including the removal of snow and ice; and
  - (c) adequately illuminated at night so as to afford safe use.
- (2) For the purposes of paragraph 1(b), the requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential property or accessory apartment.

## **13. FENCES AND RETAINING WALLS**

- (1) Fences, barriers and retaining walls shall be kept:
  - (a) in good repair;
  - (b) free from accident hazards;
  - (c) protected by paint, preservative or other weather-resistant material;
  - (d) so as not to present an unsightly appearance; and
  - (e) free of barbed wire.
- (2) Unsightly chalk marks and similar markings or defacements on the exterior surfaces of fences shall be removed and the fences refinished when necessary.
- (3) No fence shall be erected in a location which will, does or may constitute an accident hazard to vehicular or pedestrian traffic.

**14. ACCESSORY BUILDINGS**

All accessory buildings shall be kept:

- (a) in good repair;
- (b) free from health and accident hazards; and
- (c) protected by paint, preservative or other weather-resistant material.

**MAINTENANCE OF DWELLINGS AND DWELLING UNITS**

**15. PEST PREVENTION**

A dwelling shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990, Chap. P. 11, as amended, and all regulations enacted pursuant thereto.

**16. STRUCTURALLY SOUND**

- (1) Every part of a dwelling 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 be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report be submitted to the Officer, which report will include drawings for any recommended remedial work designed by the engineer, and the details of the findings of such examination.

**17. EXTERIOR WALLS**

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
  - (a) painting, restoring or repairing of the walls, coping or flashing; or
  - (b) the waterproofing of joints and of the walls themselves.
- (2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (3) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- (4) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.

**18. ROOF**

- (1) The roof, cornice, flashing and coping shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.
- (2) Dangerous accumulations of snow or ice shall be removed from the roof.

**19. DOORS AND WINDOWS**

- (1) All exterior openings for doors or windows shall be fitted with doors or windows.
- (2) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to prevent the entrance of wind or rain into the dwelling.
- (3) Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) The following items shall be repaired or replaced:
  - (a) missing glass;
  - (b) broken glass;
  - (c) missing door hardware;

- (d) defective door hardware;
  - (e) missing window hardware; and
  - (f) defective window hardware.
- (5) All windows in a dwelling unit shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration, during the season in which heat is required.
- (6) Where screens are provided, they shall be maintained in good repair so as to effectively prevent the entry of insects.

**20. STAIRS, PORCHES AND RAMPS**

- (1) An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- (2) Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

**21. HEATING SYSTEM**

- (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of sixty-two (62) degrees Fahrenheit (16.67 degrees Celsius) between 11:00 p.m. of any day and 6:00 a.m. of the next following day and, sixty-eight (68) degrees Fahrenheit (20 degrees Celsius) between 6:00 a.m. and 11:00 p.m. of any day, such temperatures to be measured at five (5') feet (1.5 metres) above floor level and three (3') feet (91 centimetres) from exterior walls in every habitable room, bathroom and toilet room.
- (2) The heating system required by subsection (1) shall be maintained in good working condition and be capable of heating the dwelling or dwelling units to the required temperature.

**22. REPAIR STANDARDS**

All repairs to any property shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

**PART II**  
**NON-RESIDENTIAL PROPERTY STANDARDS**

23. This part prescribes the standards for non-residential property situated in the Town of Markham.

24. **MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS**

- (1) A yard shall be kept clean and free from:
  - (a) rubbish or other debris;
  - (b) refrigerators, freezers or similar appliances, whether operable or inoperable; and
  - (c) objects or conditions that may create a health or safety hazard.
- (2) Heavy undergrowth shall be removed from any yard.
- (3) All lawns, hedges and bushes shall:
  - (a) be kept trimmed;
  - (b) not be overgrown or unsightly; and
  - (c) grass shall not exceed a maximum height of 15 centimetres.
- (4) The yard shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.
- (5) Every area of a yard which is used for vehicular traffic or parking including a loading area shall be:
  - (a) kept free of dirt, surface dust and refuse;
  - (b) adequately lighted; and
  - (c) maintained in good repair.

25. **APPLIANCES**

Refrigerators, freezers or similar appliances which are stored or left on porches, decks or similar areas shall not have a self latching or self-locking device and shall be:

- (a) in working order;
- (b) secured with a locking device; and
- (c) locked at all times except when actually being used and supervised.

**26. VEHICLES**

- (1) Any vehicle which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in any driveway, front, rear or side yard.
- (2) No vehicle shall be used for the storage of garbage, rubbish, debris or similar material.

**27. ILLUMINATION**

- (1) Lights used to illuminate any area used for vehicular traffic or parking shall be arranged, installed or designed so as to deflect away from abutting properties.
- (2) In all yards, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order and shall be contained within the limits of the property.
- (3) Security lights shall be shielded and shall be contained within the limits of the property.

**28. SEWAGE AND DRAINAGE**

- (1) Sewage or organic waste shall be discharged into a sewerage system.
- (2) Rain water from a roof area of five hundred (500) square feet (46.5 square metres) or more shall be conveyed to a storm sewer, and, if such a storm sewer is not available, the rainwater shall be disposed of in such a manner as not to create a nuisance.
- (3) Roof drainage or surface water shall:
  - (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - (b) not discharge on sidewalks, stairs, or neighbouring property.
- (4) Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- (5) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

**29. SAFE PASSAGE**

All surfaced paths, sidewalks, patios, steps, ramps, building entrances, driveways and parking areas shall be:

- (a) maintained in a hole-free condition and free of settlements that might cause tripping;
- (b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather; including the removal of snow and ice; and
- (c) adequately illuminated at night so as to afford safe use.

**30. ACCESSORY BUILDINGS**

All accessory buildings shall be kept:

- (a) in good repair;
- (b) free from health and safety hazards; and
- (c) protected by paint, preservative or other weather-resistant material.

**31. FENCES AND RETAINING WALLS**

(1) A fence shall be installed:

- (a) around the parking area of drive-in eating establishments, except at the private approaches;
- (b) where conditions exist on non-residential property where litter is blown on to adjoining property; and
- (c) and constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.

(2) All fences, barriers or retaining walls around or on non-residential property shall be kept:

- (a) in good repair;
- (b) free from accident hazards;
- (c) protected by paint, preservative or other weather-resistant material; and
- (d) so as not to present an unsightly appearance.

(3) Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence which has a minimum height of 1.2 metres.

- (4) Unsightly chalk marks and similar markings or defacements on the exterior surfaces of fences shall be removed and the fences refinished when necessary.

**32. SIGNS**

All signs, including their supporting members, shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good and lawful state of repair which conforms to this by-law.

**33. PEST PREVENTION**

The property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations passed pursuant thereto.

**34. STRUCTURALLY SOUND**

- (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 be subject.
- (2) Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) If, in the opinion of the officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent and that a written report, be submitted to the Officer, which report will include drawings for any recommended remedial work designed by the engineer and the details and findings of such examination.

**35. EXTERIOR WALLS**

- (1) All exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by:
  - (a) painting, restoring, or repairing of the walls, coping or flashing; or
  - (b) the waterproofing of joints and of the walls themselves.

- (2) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.
- (3) All canopies, marquees, signs, awnings, stairways, stand pipes, exhaust ducts, and similar overhang extensions shall be,
  - (a) maintained in good repair,
  - (b) properly anchored, and
  - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- (4) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- (5) All air conditioners shall be maintained in a safe mechanical and electrical condition.
- (6) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- (7) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- (8) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.

**36. ROOF**

- (1) The roof, cornice and flashing shall be maintained in a water-tight condition so as to prevent leakage of water into the building.
- (2) Dangerous accumulations of snow or ice shall be removed from the roof.

**37. DOORS AND WINDOWS**

- (1) All exterior openings for doors and windows shall be fitted with doors or windows.
- (2) Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building.

- (3) Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- (4) Broken glass and missing or defective door and window hardware shall be repaired or replaced.
- (5) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

**38. STAIRS, PORCHES AND RAMPS**

An outside stair or ramp shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.

**39. REPAIR STANDARDS**

All repairs to any premises shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose.

**PART III  
VACANT LAND**

40. This part prescribes the standards for vacant land situated in the Town of Markham.
41.
  - (1) Vacant land shall be kept clean and free from rubbish or other debris, including vehicles, automobile parts, furniture, or any other object which may cause a health or safety hazard.
  - (2) All vacant land shall be graded, filled, up, or otherwise drained so as to prevent recurrent ponding of storm water.
  - (3) Heavy undergrowth shall be eliminated from vacant land.
  - (4) Vacant land shall be cultivated or protected by suitable ground cover which prevents the erosion of soil.
  - (5) Lawns, hedges and bushes shall:
    - (a) be kept trimmed;

- (b) not be overgrown or unsightly; and
- (c) grass shall not exceed 15 centimetres in height.

**PART IV - GENERAL**  
**PROCEDURES FOR ENFORCEMENT**

42. This part applies to the whole of the Town of Markham.

43. **ADMINISTRATION AND ENFORCEMENT**

The Corporation may from time to time appoint Property Standards Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

44. **PROPERTY STANDARDS COMMITTEE**

- (1) A Property Standards Committee is hereby established pursuant to section 15.6 of the *Building Code Act, 1992*.
- (2) The Committee shall be composed of five (5) persons, who are ratepayers in the Town, and the Committee shall be appointed by Town Council in accordance with Town procedure for the appointment to Boards, Committees and Authorities.  
(Amended by By-law No. 2004-308)
- (3) The terms of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one, two and three years.
- (4) All members shall serve their terms of office as required until reappointed or replaced by Town Council.
- (5) The Committee shall elect a chairperson from its members.
- (6) When the chairperson is absent through illness or otherwise, the Committee may appoint another member to act as chairperson pro tempore.
- (7) Three (3) members of the Committee shall constitute a quorum.  
(Amended by By-law No. 2004-308)
- (8) Any member of the Committee may administer oaths.

- (9) A member of Town Council or an employee of the Town or of a local board thereof is not eligible to be a member of the Committee.
- (10) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.

**45. ORDER AND APPEAL TO COMMITTEE**

- (1) An Officer may make an order pursuant to sections 15.2 or 15.7 of the *Building Code Act*, 1992.
- (2) When the owner or occupant upon whom an order pursuant to section 15.2 of the *Building Code Act*, 1992, has been served is not satisfied with the terms or conditions of the order, the owner or occupant may appeal to the Committee, by sending notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to be confirmed.
- (3) The secretary of the Committee, upon receipt of the notice of appeal shall:
  - (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days from the date of receipt of the aforesaid notice; and
  - (b) give notice in writing of the date, place and time of the hearing to:
    - (i) the appellant;
    - (ii) the officer who issued the order; and
    - (iii) any other as the Committee considers advisable.
- (4) The Committee shall:
  - (a) hear the appeal at the date, place and time set out in the notice; and
  - (b) have all the powers and functions of the officer who made the order.
- (5) The Committee may adopt its own rules of procedure.
- (6) The Committee may:
  - (a) confirm the order;
  - (b) modify or rescind the order; or
  - (c) extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this by-law and of the official plan of the Town are maintained.

- (7) The Committee shall give its decision in writing.
- (8) The secretary of the Committee shall notify:
  - (a) the appellant;
  - (b) the officer who issued the order; and
  - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

**46. CERTIFICATE**

- (1) Following the inspection of a property an officer may, or on the request of an owner shall, issue to the owner a Certificate of Compliance if, in the opinion of the officer, the property is in compliance with the standards set out in this by-law.
- (2) A fee shall be payable to the Town prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner, in the amount prescribed by Schedule "B" to this by-law.

**47. DUTIES OF OWNER AND REMEDIATION BY TOWN**

(amended by  
By-law 2001-113)

- (1) Every owner shall ensure that the dwelling or property of the owner is maintained in accordance with the provisions of this by-law.
- (2) Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this by-law shall obey such order or do or abstain from doing such thing as required.
- (3) Every property that does not conform with the Standards shall be repaired and maintained to conform with the Standards or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.
- (4) If an order of an Officer is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the Town may cause the property to be repaired or demolished accordingly and the amount spent on the repair or demolition may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

(Sections 3 & 4 amended by

**48. PROCEEDING CONTINUED**

- (1) All proceedings taken pursuant to Town of Markham By-law Number 63-83, as amended, shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- (2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law Number 63-83, as amended, the procedure established by this by-law shall be followed so far as it can be adopted.

**49.** To the extent that any provision of this by-law conflicts with, or does not incorporate the provisions of Sections 15.1 to 15.8 of the *Building Code Act*, 1992, or other enabling legislation, the said Act or other enabling legislation shall prevail and apply to the provisions of this by-law.

**50. REPEAL**

Town of Markham By-law Number 63-83 of The Corporation of the Town of Markham, as amended, is hereby repealed in its entirety.

**SCHEDULE "A" TO BY-LAW 248-1999**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**NOTICE RE: SUB-STANDARD PROPERTY**

This property has been found not be  
in conformity with the standards established by  
Property Standards By-law Number 248-1999.  
Any person who pulls down or defaces this placard  
is liable to a penalty not exceeding \$500.00

DATED AT MARKHAM THIS                      DAY OF                      , .....

PROPERTY STANDARDS OFFICER

**SCHEDULE "B" TO BY-LAW 248-1999****FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE**

<b>CATEGORY</b>		<b>COST</b>
Residential Property	Number of Inspected Units	Charge
Multiple Commercial and Industrial Buildings	per Building	
	1-2 units	\$50.00 per unit
	more than 2 - not more than 5 units	\$40.00 per unit
	more than 5 - not more than 15 units	\$200.00 plus \$15.00 per unit above 5 <sup>th</sup> unit
	more than 15 - not more than 25 units	\$300.00 plus \$10.00 per unit above the 15 <sup>th</sup> unit
	more than 25 units	\$400.00 plus \$5.00 per unit above the 25 <sup>th</sup> unit
Free Standing Industrial and Commercial Buildings (Single Occupancy)		\$50.00 per 98 square metres (1,000 square feet) \$200.00 minimum
Vacant and Derelict Property		\$100.00