

**TOWN OF AMHERST
MINIMUM STANDARDS FOR RESIDENTIAL OCCUPANCIES
BYLAW (P-4)**

Pursuant to Section 181 of the Municipal Government Act, BE IT ENACTED by the Council of the Town of the Town of Amherst 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 Amherst.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, 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 *Building Code Act, Nova Scotia Building Code Regulations, The Municipal Government Act* and the *National Building Code* 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 Municipal Services.
 - (b) “Council” means the Council for the Town of Amherst.
 - (c) “Dwelling Unit” means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.
 - (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 Town to be the Building Inspector or their designate.

- (f) "Town" means the Town of Amherst.
- (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, 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.

GENERAL DUTIES AND OBLIGATIONS

- 3. The owner of a building shall maintain the building to the standards as provided in this By-law.
- 4. The owner of a building built subsequent to the coming into force of this By-law shall maintain the building to the standards of this Bylaw.
- 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.

GENERAL MAINTENANCE STANDARDS

Fire Prevention

- 6. (1) Fire alarm and detection systems shall be maintained in an operational condition at all times.

- (2) As required, the owner of every building shall install fire alarm system in conformance with the requirements of the Provincial Building Code.
- (3) In buildings which the Provincial Building Code does not require the installation of a fire alarm system, a wired in smoke alarm system shall be installed by the owner in compliance with applicable code(s).
- (4) All required fire separations shall be maintained so as to adequately prevent the spread of fire from one dwelling unit to the next.
- (5) All yards shall be kept clean and free of all debris, tall grass and weeds for a distance of at least 2 metres from any residential building.

Structural Soundness

7. (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

8. (1) 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 dampness.

Roofs, Eave Troughs and Gutters

9. (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 unsecured objects and materials,
- (b) dangerous accumulations of snow and ice,
- (c) all other fire and accident hazards.

Foundations & Exterior Walls

10. (1) The components of every exterior wall of a building shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects or 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 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

11. (1) Windows, exterior doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.
- (2) All windows that are required to be 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 doors providing access to the dwelling unit 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

12. (1) Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level. 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.

- (2) Any required egress shall not pass through a room in another dwelling unit or a service room.

Stairs Decks and Balconies

13. (1) Interior and exterior 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 or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the Provincial Building Code.

Interior Walls, Ceilings, and Floors

14. (1) Every wall and floor in a building shall be reasonably level and maintained so as to be free of all loose, warped, 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 impervious to water.

Fireplaces, Fuel-burning Appliances, and Chimneys

15. (1) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (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) All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel, shall be maintained in good repair, and shall meet the requirements of all applicable standards.
- (4) 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 and installation 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 and installation meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Heating

16. (1) Every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 22 degrees Celsius throughout all occupied areas.
- (2) Every dwelling unit shall have a thermostat, or other suitable means, for the purpose of controlling heat to the minimum required temperature.

Plumbing Facilities and Fixtures

17. (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 connections 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) Every fixture shall be of such materials, construction and design that will ensure the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- (5) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve.

Bathrooms

18. (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

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

Sleeping Rooms

20. (1) A room to be used for sleeping purposes shall:
 - (a) Have a minimum floor area of 8 square meters or be shown to be capable of accommodating a bed and bureau.
 - (b) Have a minimum ceiling height of 2 meters over at least 60% of the floor area;
 - (c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical System

21. (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 and installation 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 and installation meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Natural Light and Ventilation

22. (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.

Inspections

23. (1) Where an inspection is required or conducted pursuant to this By-law:
 - (a) The Inspector may enter in or upon land or premises at a reasonable time without a warrant;
 - (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and
 - (c) 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

24. (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 by means of posting the said order on the property.

- a. Every Order to Comply shall contain
 - i. the standards with which the building does not comply;
 - ii. actions to be taken in order to bring the building into compliance with the standards;
 - iii. the date after which the building will be subject to a reinspection to ascertain compliance with the Order;
 - iv. the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the reinspection; and
 - v. 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.
- b. Where, in the opinion of the Inspector, the building is considered unsafe, the order may require that the building be vacated within an appropriate time period.
- c. Where an owner fails to comply with the requirements of an Order within the time frame stipulated therein, the Inspector, his designate or contractors may enter upon the property without warrant or other legal process and carry out the work, specified in the Order.
- d. Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof either from the owner or as a first lien on the property affected.

Penalty

25. (1) Every person who violates or fails to comply with any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty not less than Five Hundred Dollars (\$500.00) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding sixty (60) 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 not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention of failure has been continued.
- (3) In addition to any other remedy open to law, the judge may:
 - (a) make an Order restraining the continuance of repetition of any such contravention or failure;
 - (b) make an Order to vacate a portion or all of the building;
 - (c) make an Order directing the removal or destruction of any building or structure or part thereof so contravening or failing to comply, or in respect of which any such contravention or failure has taken place, and that upon failure to comply with such Order, the Inspector may remove, repair or destroy such building or part thereof at the expense of the owner;
 - (d) make such other Order as is required to enforce the provisions of this By-law, and the recovery of the expense of any such removal or destruction by the Inspector, as to the Court or Judge seems fit.

Complaints

26. (1) All complaints made pursuant to this bylaw must be submitted to the town and be accompanied by the name and telephone number of the complainant.
- (2) Any tenant that wishes to register a complaint with the Town with regard to lack of maintenance of their dwelling unit/apartment building shall first advise the landlord in writing of the concerns in order to allow the landlord the opportunity to address the maintenance issue first. If these concerns are not addressed adequately, a complaint can be registered with the Town. Such a complaint shall be accompanied by a copy of the letter to the landlord indicating the method and date of service to the landlord.

As approved by Council January 24, 2005

IN WITNESS WHEREOF the Town of Amherst has caused the Corporate Seal of the said Town to be affixed to this by-law the __day of _____, 2004, A.D. and signed by:

MAYOR

CAO