

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 4050

BEING A BYLAW OF THE DISTRICT OF SAANICH TO ESTABLISH AND ENFORCE MINIMUM STANDARDS RELATING TO THE REPAIRS AND MAINTENANCE OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTY IN THE MUNICIPALITY

The Municipal Council of The Corporation of the District of Saanich pursuant to Section 714 and 870 of the *Municipal Act* and other powers thereunto enabling, in open meeting assembled enacts as follows:

1. Short Title

This bylaw may be cited for all purposes as the “MINIMUM PROPERTY MAINTENANCE STANDARDS BYLAW, 1978”.

2. Application

This bylaw shall apply to all buildings, dwellings, dwelling units and land, which are now, or may become in the future, substandard with respect to structure, equipment, facilities, maintenance, light, heating, air, sanitation, occupancy and protection against fire hazard, or otherwise may be deemed to constitute a menace to the safety, health or welfare of the occupants.

3. Interpretation

In this bylaw unless the context otherwise requires:

“**ACCESSORY BUILDING**” means

- i. a building which is separate from the principal building on the site on which both are located and which the Council or Inspector decides is normally subordinate and incident in use to that of the principal building, or
- ii. a building, the use of which the Council or Inspector decides is normally incident and subordinate to the principal use of the site on which it is located.

“**APPROVED**” means acceptable to the Director of Planning.

“**BALUSTRADE**” means a protective barrier that acts as a guard around openings of doors or at the open side of stairs, landings, balconies, mezzanines, galleries,

various walkways or other locations to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.

“BATHROOM” means a room containing a bathtub or shower with or without a water closet and basin.

“BUILDING” means any structure used or intended for supporting or sheltering any use or occupancy.

“DIRECTOR OF PLANNING” means the Director of Planning for The Corporation of the District of Saanich and includes his/her representatives who are authorized to act on his/her behalf.

“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 purposes of human habitation and includes the land and premises appurtenant thereto and all out buildings.

“DWELLING UNIT” means one or more rooms for the use of one or more persons as a housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

“HABITABLE ROOM” means a room used for cooking, eating, sleeping or human occupancy, excludes bathroom, utility room, workroom, furnace room and storage room, pantry room, stairway, lobby, communicating corridor, or space for service and maintenance of the dwelling for public use, and for access to and vertical travel between stories.

“LAND” means the land around and appurtenant to the whole or any part of the premises and used or intended to be used, or capable of being used in connection with the dwelling, dwelling unit or building.

“MANAGER OF INSPECTION SERVICES” means the Manager of Inspection Services of The Corporation of the District of Saanich, or any person authorized to act on his behalf.

“MEDICAL HEALTH OFFICER” means the Capital Region Medical Health Officer.

“NON-RESIDENTIAL” applies to the occupancy or use of a building or part thereof for any purpose other than providing sleeping accommodation.

“OWNER” means any person, firm, or corporation who is the registered owner of the land under consideration and includes the person, firm, or corporation for the time being managing or receiving the rent of or paying municipal taxes on the land or premises in connection with which the work is used whether on his or its own

account or his agent or trustee of any other person, firm or corporation or who would so receive the rent if such land and premises were let.

“**RESIDENTIAL USE**” means the occupancy or use of a building or part thereof as a dwelling unit.

“**STANDARDS**” means the standards set out in Parts 4, 5 and 6, of this bylaw.

“**TOILET ROOM**” means a room containing a water closet and wash basin.

4. Minimum Standards for Residential Property - Land

a) General

Land shall be free from debris, including any vehicle, trailer, or object which is in a wrecked, discarded or abandoned condition.

b) Sewerage and Drainage

- i) Sewerage or organic waste shall be discharged into a municipal sewerage system or by other means approved by the Medical Health Officer.
- ii) Rain water downspouts and eavestroughs shall not discharge directly to adjacent property.

c) Safe Passage

Steps, walks, driveways, parking spaces, and similar areas shall be maintained to afford safe passage under normal use.

d) Accessory Buildings

An accessory building shall be kept in good repair and shall be free from health and fire hazards.

e) Fences and Accessory Structures

All fences, barriers and retaining walls around or on the property shall be kept in a reasonable state of repair.

5. Minimum Standards for Maintenance of Dwellings and Dwelling Units

a) Pest Prevention

Any permanent opening in a basement or cellar, that might permit the entry of rodents, shall be screened with metal grill or other durable material.

b) Dampness

The interior floors, ceilings and walls shall be kept free from dampness by means of floor drains, ventilation or other approved means.

c) Egress

Every dwelling unit shall have continuous and unobstructed exit from the interior of the building to the exterior ground level.

d) Water Supply

- i) Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Medical Health Officer.
- ii) Every sink, wash basin, bathtub, or shower required by this bylaw shall have an adequate supply of hot and cold running water relative to the occupancy of the dwelling.
- iii) Adequate running water shall be supplied to every water closet.

e) Toilet, Bathroom and Kitchen Facilities

- i) Every dwelling and dwelling unit shall contain plumbing fixtures consisting of at least:
 - a) a water closet
 - b) a kitchen sink
 - c) a wash basin, and
 - d) a bathtub or shower
- ii) All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.
- iii) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being locked from the inside so as to provide privacy for the occupant.
- iv) A wash basin shall be located within or shall be conveniently adjacent to the room containing the water closet.
- v) The splash back and counter top in the areas of the kitchen sink shall have an impervious surface.
- vi) Every kitchen shall have provided an approved gas or electric supply and appliance for cooking purposes.

f) Light

- i) Unless otherwise approved, the minimum glass area for rooms within dwelling units shall conform to the Building Code of British Columbia.

- ii) All public halls and stairs in multiple dwellings shall be lighted at all times to provide safe passage.

g) Basement Occupancy

Every habitable room in a basement or cellar space shall, in addition to the requirements of this or any other bylaw, meet the following requirements:

- i) Floors and walls shall be constructed to be reasonable impervious to leakage of underground and surface run off water and shall be treated against dampness.
- ii) The habitable room shall meet all requirements for light and ventilation, as set out in Section 5 (f) and Section 6 (l) of this bylaw.
- iii) Heating equipment or other equally hazardous equipment shall be properly separated from the remainder of the dwelling.
- iv) Access to each habitable room is gained without passage through a furnace or toilet room.

6. Minimum Standards for Residential Property - Structural

a) General

- i) 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 design load to which it may be subjected.
- ii) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

b) Exterior Walls

- i) The exterior walls and their components shall be maintained in order to prevent their deterioration due to weather, rot and insects.
- ii) The exterior walls, roofs and other parts of the dwelling shall be free from loose, rotted and broken materials and objects.
- iii) All cornices, entablature, belt courses, corbels, terracotta trim, wall facings and similar architectural features shall be maintained in good repair with proper anchorage and in a safe condition.

c) Walls and Ceilings

- i) Every wall and ceiling finish shall be maintained in an approved manner and shall be free of holes, cracks, loose coverings and other defects.
- ii) Where fire resistive walls exist to separate different occupancies, they shall be maintained in a condition which retains their fire resistant quality.

d) Floors

- i) Every floor shall be free of all loose, warped, protruding, broken, or rotted materials.
- ii) Worn or torn floor coverings and defective floor boards shall be repaired or replaced.
- iii) Every bathroom, toilet room and shower room shall have a floor of reasonable water impervious construction.
- iv) Basements or cellars shall be kept dry and free of water on floors by use of ventilation, floor drains or other means.

e) Roofs

A roof, including its fascia board, soffit, cornice and flashing, shall be maintained in a watertight condition.

f) Doors and Windows

- i) All exterior openings shall be fitted with doors or windows.
- ii) 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 dwelling.
- iii) Rotted or damaged doors, door frames, window frames, sashes and casings, broken glass and missing or defective door and window hardware shall be repaired or replaced.
- iv) At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- v) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit.

g) Stairs and Porches

An inside or outside stair and any porch appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

h) Balustrades and Handrails

- i) A balustrade shall be installed and maintained in good repair on the open side of a balcony, porch, landing, stairwell and stairway with a drop of one (1) metre or more.

- ii) A handrail shall be installed and maintained in good repair on all stairways with more than three (3) risers.

i) Foundations

- i) The foundation walls and the basement, cellar or crawl space floor shall be maintained in good repair and shall be structurally sound.
- ii) Every dwelling unless of the slab-on-grade type shall be supported by foundation walls or piers which extend below the frost line or to solid rock. All footings, foundation walls, piers and slabs-on-grade shall be of masonry or other approved material.
- iii) Subsection (ii) does not apply to accessory buildings.

j) Plumbing

All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling and every connecting line to the sewerage system shall be installed and maintained in accordance with the requirements of the British Columbia Plumbing Code and the Building and Plumbing Bylaw of The Corporation of the District of Saanich.

k) Heating

- i) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Centigrade at one and half (1.5) metres above floor level and one (1) metre from exterior walls in all habitable rooms, bathrooms and toilet rooms.
- ii) The heating system required by subsection (i) shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

l) Ventilation

Ventilation of buildings shall comply with the National Building Code.

m) Electrical

- i) Every dwelling shall be wired for electricity and lighting equipment shall be installed throughout to provide reasonable illumination.
- ii) Every habitable room within dwelling units except for a kitchen shall contain at least one electrical duplex convenience outlet. There shall be an additional duplex convenience outlet for each 9 square metres of floor area in excess of 11 square metres.
- iii) Every kitchen shall have at least two electrical duplex convenience outlets which shall be on separate circuits.

- iv) All electrical equipment installations and wiring in a dwelling shall be in accordance with the requirements of the provisions of the *British Columbia Electrical Energy Inspection Act*, RSBC 1948 Chap. 107 and amending act and regulations thereunder.
- v) The electrical wiring and all electrical fixtures located or used in a building shall be maintained in good working order.

7. Enforcement

- a) Every person who, without lawful excuse, contravenes this bylaw by wilfully doing any act which it forbids or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$50.00 and not more than \$500.00 for a first offence and for each subsequent offence to a fine of not less than \$150.00 and not more than \$500.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- b) The penalties imposed hereunder shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw.
- c) The Manager of Inspection Services is hereby authorized to enter, at all reasonable times, any premises or property for the purpose of administering and enforcing this bylaw.
- d) No person shall prevent or obstruct, or attempt to prevent or obstruct, entry of the Manager of Inspection Services to any premises or property as authorized under this bylaw.

Includes Bylaw Amendments No. 4413, 6450, and 8661