



THE DISTRICT OF HOPE

BYLAW NO. 1184

A bylaw to regulate the minimum maintenance and occupancy standards of residential properties within the District of Hope

WHEREAS the Council of the District of Hope may, by bylaw, regulate and impose requirements of minimum acceptable standards for occupancy of residential property;

AND WHEREAS the Council of the District of Hope may wish to impose minimum requirements to ensure the safety of occupants;

NOW THEREFORE, the Municipal Council of the District of Hope, in open meeting assembled, enacts as follows:

Title:

1. This bylaw may be cited as the “District of Hope Building Maintenance and Occupancy Standards Bylaw No. 1184, 2005.”

Interpretation:

2. In this Bylaw:

“District” means the District of Hope;

"owner" means the person or persons, including a corporation or company, registered in the records of a land title office as owner in fee simple of a real property or, where there is a registered agreement for sale and purchase of the real property, the registered holder of the last registered agreement for sale and purchase, and includes that person's authorized agent;

“residential property” means any residential property or premises as defined under the *Residential Tenancy Act*, in force from time to time.

Duty to Conform

3. The owner or occupier of any residential property in the District shall cause such property to conform to the standards set forth in Schedule “A” attached hereto and forming part of this Bylaw.

Failure to Conform

4. Wherever, in the opinion of Council, work is required to be done to bring any residential property to which this Bylaw applies in conformity to the standards and in case of default by the owner or occupier of said property to have such work done within a period of time specified in a notice from Council, Council may authorize its workers or others to enter upon the real property and carry out such work at the expense of the owner or occupier of the real property.

5. Charges incurred by an owner of real property pursuant to this Bylaw (including all expenses incidental thereto) remaining unpaid on the 31st day of December in that year shall be added to and form part of the taxes payable in respect of the property as taxes in arrears.

Authority to Inspect

6. Upon forty-eight (48) hours notice, the owner or occupier of any residential property to which this Bylaw applies shall permit reasonable access by the Building Inspector or other official of the District to the premises for the purpose of determining whether the requirements of this Bylaw are being fulfilled.

Offence and Penalty

7. Any person guilty of an infraction of this Bylaw shall be liable upon summary conviction to a fine of not less than One Thousand Dollars (\$1,000.00) or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended. Each day during which such violation continues shall be deemed to constitute a new and separate offence.

Severability

8. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Read for a first time by the Municipal Council of the District of Hope the 11th day of October, 2005.

Read for a second time by the Municipal Council of the District of Hope the 11th day of October, 2005.

Read for a third time by the Municipal Council of the District of Hope the 11th day of October, 2005.

Adopted by the Municipal Council of the District of Hope the 13th day of October, 2005.

Original Signed

Original Signed

Presiding Mayor

Chief Administrative Officer

Certified a true copy of District of Hope Building Maintenance and Occupancy Standards Bylaw No. 1184, 2005 as adopted.

Director of Corporate Services

PART 1 – MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

1.1 Yards

All yards and lot areas shall permit adequate access and shall be kept clean and free from rubbish, debris, unattended growth and noxious weeds.

1.2 Sewage And Drainage

- (a) Adequate surface water drainage shall be provided over the whole area of the property.
- (b) Sewage or organic waste shall be discharged into a sewerage system in accordance with applicable District bylaws and/or Provincial Regulations.

1.3 Walks, Driveways, Steps, Etc.

There shall be a surfaced walk leading from every dwelling unit to the street or to a surfaced driveway that connects to the street.

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

1.4 Fences

Fences, barriers and retaining walls shall be kept in good repair, and free from accident hazards.

1.5 Accessory Buildings

Accessory buildings shall be kept in good repair and free from hazards which may affect health or cause fires or accidents.

1.6 Garbage Disposal

All garbage, rubbish and other debris from a dwelling shall be promptly stored in receptacles and made available for removal in accordance with District regulations.

1.7 Garages, Carports And Parking Areas

Arrangements for car parking shall be made in conformity with District requirements.

PART 2 – MAINTENANCE OF DWELLING UNITS

2.1 Pest Prevention

A dwelling unit shall be kept free of rodents, vermin, and insects at all times, and appropriate extermination measures shall be taken as necessary.

2.2 Structural Soundness

Structural components of a dwelling unit shall be free from serious deterioration, loose jointing, sagging or bulging and shall be capable of sustaining safely the weight of the dwelling unit and any load to which it may be normally subjected.

2.3 Dampness

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.

2.4 Foundations

Foundations shall be designed to adequately support the loads imposed and provide a dry basement or crawl space. They shall be free of cracks and leaks and defective mortar joints or masonry. Foundation walls shall be water-proof or damp-proof to prevent the entry of moisture or water into the basement or crawl space. In case of a foundation settlement, heaving or similar problems, a report and recommendation as to corrective action may be required from appropriate authorities competent in such matters.

2.5 Basements And Unheated Crawl Spaces

Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air and adequately drained.

2.6 Enclosed Space Access: Access And Venting

An access opening which meets or exceeds requirements of the BC Building Code shall be provided, when required, to attics, crawl spaces and other enclosed spaces. Where mechanical equipment is enclosed, the access opening shall be sufficiently large to permit the removal and replacement of the equipment. Enclosed attic, roof and crawl spaces shall be vented to the exterior.

2.7 Exterior Walls

Exterior walls and their components shall be adequate to support the loads upon them and shall be maintained to prevent their deterioration due to the weather or insects.

All exterior walls shall have cladding or covering, free of holes, cracks, or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability.

2.8 Roofs

All roof construction components shall provide adequate support to all probable loads, and form a suitable base for the roof covering.

A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

2.9 Insulation

- (a) Sound insulation. The provisions of the British Columbia Building Code will be observed as closely as practicable to a level acceptable by the Building Inspector.
- (b) Thermal insulation. The insulation requirements of the British Columbia Building Code shall be complied with where necessary and practicable to a level acceptable by the Building Inspector.

2.10 Floors

Every floor shall be reasonably level and smooth and maintained in good condition. Resilient or non-absorption floorings or the equivalent shall be provided in bathrooms, kitchens and laundry rooms.

2.11 Interior Walls And Ceilings

Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other defects which may increase the spread of fire. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire resistant quality.

2.12 Windows

Existing windows and frames shall be in sound condition and operate satisfactorily to provide light and ventilation.

2.13 Doors

Existing doors and frames shall be in sound condition and operate satisfactorily.

At least one entrance door in every dwelling unit shall be capable of being locked from both inside and outside.

All exterior doors shall be weather-stripped, or have an appropriate combination storm and screen door suitable for all-year use.

New doors shall comply with the requirements of the British Columbia Building Code.

2.14 Fireplaces, Fuel Burning Equipment, Chimneys, Etc.

All fireplaces, fuel burning equipment, chimneys, etc., shall be maintained in a safe efficient condition and the provisions of the British Columbia Building Code shall be observed as closely as practicable to a level acceptable to the Building Inspector.

2.15 Porches And Stairs, Etc.

All porches, balconies, landings, stairs and ancillary balustrades or handrails shall be maintained free from defects which constitute a safety hazard.

2.16 Egress

The means of egress shall be in accordance with the British Columbia Building Code.

PART 3 – STANDARDS OF FITNESS FOR OCCUPANCY

3.1 Plumbing

All plumbing, pipes, fixtures, etc., shall be in sound condition and with proper care serviceable for the expected useful life of the building. All water pipes and appurtenances thereto shall be protected from freezing.

The plumbing system shall provide satisfactory hot and cold water supply, drainage, venting and operation of fixtures.

Every water heater shall have sufficient capability to provide an adequate supply of hot water at all times in all parts of every dwelling unit or shared facility.

3.2 Toilet, Kitchen And Bathroom Facilities

- (a) Every self-contained dwelling unit shall be provided with at least one kitchen sink, water closet, wash basin, and bathtub or shower, connected to a piped water supply and an acceptable means of sewage disposal.
- (c) Where a toilet, kitchen or bathroom is shared by the occupants of residential accommodation other than self-contained dwelling units, an entrance shall be provided from a common passageway, hallway, corridor or other common space. The number of toilets, kitchens or bathrooms required shall be related to the number of occupants sharing the facility in accordance with the British Columbia Building Code, Section 7, Health Requirements.

3.3 Bathrooms And Toilet Rooms

All bathrooms and toilet rooms shall be located within and accessible from within the building and shall be fully enclosed and have a lockable door to provide privacy. Where practicable a wash basin shall be located in the same room as the water closet.

3.4 Kitchens

Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities and a counter top work area. Space shall be provided for a stove and refrigerator.

3.5 Laundry

Space for laundry and drying facilities shall be provided.

3.6 Heating Systems

All residential accommodation shall be equipped with suitable heating facilities capable of maintaining an indoor temperature acceptable to the Building Inspector. Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located, enclosed, or separated from the remainder of the building in conformance with the British Columbia Building Code.

3.7 Electrical Services

Electrical facilities complying with the requirements of the British Columbia Electrical Code shall be provided for all residential accommodation.

Existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by the Canadian Electrical Code, and by provincial or municipal regulations.

3.8 Light And Ventilation

The standard of lighting and ventilation shall be as required by the British Columbia Building Code.

All public halls and stairways in buildings containing two or more dwelling units shall be illuminated so as to provide safe passage in accordance with Provincial requirements.

3.9 Minimum Room And Space Dimensions

Areas, dimensions and heights of rooms and other space within existing dwelling units shall be generally as required by the British Columbia Building Code. Where a room area or dimension is below that required in the Code by less than 10%, such room shall normally be considered suitable for the intended purpose.

3.10 Closets

Space shall be provided for clothes and linen storage.

3.11 General Storage

General storage facilities shall be provided.

For residential accommodation other than self-contained dwelling units, storage facilities may be in the form of communal general storage.

3.12 Garbage And Refuse

Where garbage and refuse storage rooms and chutes are provided they shall be in conformity with the British Columbia Building Code and maintained in a clean and sanitary condition.

PART 4 – GENERAL

4.1 Shared Facilities

Where a building contains more than one dwelling unit and heating, storage, refuse disposal and/or other facilities are shared, the design and construction of shared facilities shall be as required by the British Columbia Building Code.

4.2 Fire Protection

A high degree of safety to life and the protection of property may be achieved by the separation of dwelling units or rooms occupied separately and the use of materials which retard the spread of fire and prevent the passage of flame, smoke and hot gases through open or concealed spaces within the building, and by providing exits which will permit persons to leave the building with safety. The provisions of the British Columbia Building Code may be permitted where such variations are acceptable to the Municipal and/or Provincial authority. The Municipality may require certification from the local Fire Chief Prevention Officer that fire separations are acceptable.