

Town of Truro – Bylaws

Subject:	Minimum Building & Housing Maintenance Standards Bylaw
Bylaw Number:	B160-010
Approval Date:	November 5, 2007
Departments:	Planning & Development

Section 1 and Title

The Town of Truro hereby adopts the following minimum regulations and standards to regulate the standards of buildings and housing in the Town of Truro and shall be known as “The Town of Truro Minimum Building and Housing Maintenance Standards Bylaw”.

Section 2 General Requirements

- 2.1 All property owners are required to maintain their property (internally and externally) in compliance with this Bylaw so as not to distract from the neighbouring community or present a fire or safety hazard to any persons.

Section 3 Interpretation

- 3.1 The “Owners” of buildings in the Town of Truro shall maintain those buildings in accordance with standards contained in Sections 5, 6, and 7 of this Bylaw.
- 3.2 The “Occupants” of all dwellings in the Town of Truro shall maintain that portion of the dwelling within their exclusive possession in accordance with the standards contained in Sections 7 and 8 of this Bylaw.
- 3.3 All buildings and repairs and alterations made to any buildings shall be performed in compliance with the standards as contained in the Town of Truro Building Bylaw.
- 3.4 The standards of this Bylaw are minimum standards and this Bylaw shall not be construed so as to lessen the requirements prescribed for buildings, construction repairs, alterations or any other thing contained in any other Town of Truro Bylaws.
- 3.5 The standards of this Bylaw do not cover year to year maintenance.

Section 4 Definitions of Words and Phrases

- 4.1 For definitions of words used in this Bylaw that are not included in this Section, reference should be made to a standard dictionary.
- 4.2 The words and terms underlined in this Section have the following meanings in this Bylaw:

- a) “Accessory building” – means a detached subordinate building or structure on the same lot as the main building.
- b) “Alter” – means any change in the structural component of a building or any increase in the volume of a building.
- c) “Building” – means any structure used or intended for supporting or sheltering any use or occupancy.
- d) “Building Inspector” – means the officer appointed by the Town of Truro to be the inspector of buildings in the Town of Truro.
- e) “Council” – means the Town Council of the Town of Truro.
- f) “Dwelling” – includes any building, part of a building, trailer, or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purpose of human habitation with the land and premises appurtenant thereto.
- g) “Dwelling unit” – means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.
- h) “Exclusive possession” – means the occupancy of a dwelling by other than the owner by notice of a written lease or by notice of the consent of the owner.
- i) “Habitable room” – means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes.
- j) “Non-habitable room” – means an area of a building other than a habitable room in a dwelling or dwelling unit and includes the following:
 - (1) bathroom or shower room
 - (2) toilet room
 - (3) laundry room
 - (4) boiler or furnace room
 - (5) a pantry
 - (6) a closet
 - (7) corridor or hall
 - (8) foyer
 - (9) stairway
 - (10) lobby
 - (11) recreation room used as a common room for all tenants in a building, or other space used for access, service or maintenance of the dwelling.
- k) “Occupant” – means any person in possession of the property.
- l) “Owner” – includes any one or combination of the following:

- (i) person who is entitled to possession as tenant in fee simple.
 - (ii) mortgagee in possession.
 - (iii) where the mortgagee of land is not in possession, the person entitled to the equity of redemption.
 - (iv) person managing or receiving the rent of the land or premises, whether on his own account or as agent or trustee of any other person.
 - (v) person who is assessed for the building on the assessment roll of the Town as of the date of alleged violation.
- m) “Person” – includes any person, male or female, and any body corporate and includes a partnership.
- n) “Repair” – includes the taking of such action to bring any property under the jurisdiction of this Bylaw to the standards contained in this Bylaw.
- o) “Yard” – includes an unoccupied space on the same lot with a building extending along the length of a street, rear lot line or side lot lines.

Section 5 Standards for Yards and Accessory Buildings

5.1 Vacant Lots in Residential Zones

All vacant lots shall be kept clean from any debris and shall have no tall grass and/or weeds within the first six (6) metres of any property facing a street.

5.2 Yards

Yards shall be kept clean from all debris, tall grass and weeds.

5.3 Sewage and Drainage:

- (a) sewage or organic waste shall be discharged into the Town sanitary sewer system where available, otherwise into a private sanitary sewer system approved by the Board of Health.
- (b) adequate surface water drainage shall be provided over the whole area of the property together with suitable arrangements for its disposal without erosion.

5.4 Walks, Steps, Driveways and Parking Areas

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

5.5 Garbage Enclosures

Every building shall be provided with a garbage enclosure and shall be maintained in a clean and sanitary condition.

5.6 All Buildings
All buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or accidents.

5.7 Fences
All fences shall be maintained in good repair and free from hazards or unsafe conditions.

Section 6 Standards for Dwellings and Dwelling Units

6.1 Foundations
Foundations shall be masonry, concrete or other acceptable material and designed to adequately support the loads imposed and provide a normally dry basement or crawl space. Foundation shall be free of open cracks and defective mortar joints or masonry.

6.2 Basements and Unheated Crawl Space
Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air and adequately drained.

6.3 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.

6.4 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.

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

6.6 Enclosed Space Access – Access and Venting
An access opening of at least one foot eight inches (1'8") by two foot four inches (2'4") 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.

6.7 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. Where flooring has become worn,

damaged, cracked or holed so that it retains dirt or is an accident hazard, it shall be repaired, replaced, or removed.

6.8 Exterior Walls

Exterior walls and their components shall be adequate to support the loads imposed upon them and shall be maintained to prevent their deterioration due to the weather or insects. All exterior walls shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability.

6.9 Interior Walls and Ceilings

Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other materials or 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. Load bearing walls or columns shall be adequate to support the loads imposed upon them.

6.10 Roofs

All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. A roof including the fascia board, soffit, cornice and slashing shall be maintained in a watertight condition so as to prevent leaking of water into the dwelling.

6.11 Doors

Existing doors and frames shall be in sound condition and operate satisfactorily. Entrance or exterior doors in dwelling units shall be capable of being locked from both inside and outside.

6.12 Windows

Windows, including hardware, shall provide acceptable light and ventilation, operate satisfactorily and be in an acceptable condition with no loose or broken glass, defective putty or hardware. Sashes and frames to be in sound condition and to be fitted with locks.

6.13 Porches, Stairs, Balconies

Every porch, stairway or balcony in or appurtenant to a building shall be maintained in good repair, free from holes, cracks, excessive wear and defects which constitute a safety hazard. Stairs and balconies to have appropriate handrails or safety rails as prescribed in the Provincial Building Code.

6.14 Egress

Every dwelling or dwelling unit within a building shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the exterior and shall not pass through a room contained in another dwelling unit. Every room used for sleeping purposes shall have a window meeting Provincial Building requirements for egress.

6.15 Heating

Every dwelling or dwelling unit shall be equipped with a suitable heating system capable of maintaining an indoor temperature of 21E C. The heating system shall be maintained in good working condition so as to be capable of heating the dwelling unit safely to the required standard. Where a heating system or part thereof or any auxiliary heating system or unit burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and maintained in a convenient and safe location free from fire and accident hazards. Fuel fired heating appliances shall be located in areas and locations so as not to create a fire or accident hazard or obstruct an egress from a dwelling or dwelling unit. Chimney, smoke pipes, connections, etc. shall be maintained in good working order and be capable of conveying spent gases to the exterior of the building safely.

6.16 Electrical Services

Electrical facilities complying with the standards of the Nova Scotia Power Corporation and the Canadian Electrical Code shall be provided with all residential accommodation.

6.17 Plumbing

All plumbing, pipes, fixtures, etc. shall be in sound condition. 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.

6.18 Light and Ventilation

- (a) Every habitable room shall be provided with one or more windows facing directly on a street, yard or court, or a system of mechanical ventilation meeting Provincial Building Code requirements may be used in lieu of such window or windows.
- (b) Every bathroom or room containing a toilet or urinal shall be provided with ventilation by means of one or more windows facing upon a street or yard or by mechanical ventilation system as per the Provincial Building Code.
- (c) All windows required by this Bylaw for purposes of ventilation shall be capable of being opened to an extent of at least thirty per cent of the glass area required for such window.

6.19 Toilet, Kitchen and Bathroom Facilities

Every dwelling unit shall be provided with at least one kitchen sink, water closet, wash basin and bathtub or shower, connected to a piped supply of potable water and an acceptable means of sewage disposal.

6.20 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 and passage. Where practicable, a wash basin shall be located in the same room as the water closet.

6.21 Kitchens

Every 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 a refrigerator.

Section 7 Standards for Buildings

7.1 Foundations

Foundations shall be masonry, concrete or other acceptable material and designed to adequately support the loads imposed and provide a normally dry basement or crawl space. Foundation shall be free of open cracks and defective mortar joints or masonry.

7.2 Structural Soundness

Structural components of a building 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.

7.3 Pest Prevention and Control

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

7.4 Exterior Walls

Exterior walls and their components shall be adequate to support the loads imposed upon them and shall be maintained to prevent their deterioration due to the weather or insects. All exterior walls shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry or moisture into the structure and provide reasonable durability.

7.5 Roofs

All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. A roof including the fascia board, soffit, cornice and slashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

7.6 Doors

Doors shall be in sound condition and operate satisfactorily. In vacant or abandoned buildings where security or vandalism is a problem, doorways are to be boarded up, made secure and painted to match existing structure.

7.7 Windows

Windows shall be kept in acceptable condition with no broken glass. In vacant or abandoned buildings where security or vandalism is a problem, windows are to be boarded up, made secure and painted to match existing structure.

Section 8 General

8.1 Shared Facilities

Where a building contains more than one dwelling unit and heating, storage, refuse disposal and other facilities are shared, renovations, alteration and repairs shall satisfy the requirements of the Town of Truro Building Bylaw.

8.2 Fire Protection

All construction materials shall satisfy the requirements of the Provincial Building Code in order to retard the spread of fire and prevent the passage of flame, smoke and hot gases through open or concealed spaces within the building. Sufficient exits from the building shall be provided to assure safe egress in case of fire.

Section 9 Occupants Standards

9.1 All parts of the building which are occupied by a person other than the owner as defined herein and which are in exclusive possession of the occupant as defined herein shall be kept free from rubbish, garbage and other debris, objects and conditions that are health, fire and accident hazards.

9.2 All garbage, rubbish and other debris shall be placed in suitable waterproof containers, property fastened and stored in garbage enclosures provided by the owner. Loose papers shall be bundled and tied and placed in cartons so that they can be easily handled and not blow away.

9.3 The occupant of a dwelling unit shall maintain a safe, continuous and undisturbed passage from the interior of the dwelling unit to the exterior of the dwelling unit.

9.4 Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair.

9.5 The occupant shall not use any area of the dwelling unit under his care or control for sleeping purposes which is a non-habitable room.

9.6 The occupant shall not prepare or store food in a room containing a urinal or water closet.

Section 10 Complaints

10.1 All complaints not in writing and accompanied by a valid name and phone number will not be taken seriously. Bylaw information and complaint forms may be

obtained at the Town of Truro Planning and Development Department office during regular office hours.

- 10.2 Any tenant that wishes to register a complaint with the Town with regard to lack of maintenance to his/her dwelling unit/apartment building shall first advise the landlord in writing of these 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. Bylaw information and complaint forms may be obtained at the Town of Truro Planning and Development Department office during regular office hours.

Section 11 Enforcement

- 11.1 Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this Bylaw, he shall give written notice of such alleged violation to the owner or occupants as the case may require of the dwelling or premises containing such violation by either posting a notice on the building or personally serving the notice on the person named therein. Such notice shall:
- a) contain a statement of the point or points of non-compliance with this Bylaw; and
 - b) fix a period of time in which such owner or occupants as the case may require, must complete whatever remedial action is necessary to eliminate the point or points of non-compliance with this Bylaw and if the remedial action is completed within the required time, then the non-compliance with this Bylaw shall not be an offense.
- 11.2 In the event of the failure of the owner or occupants so served with notice from the Building Inspector to remedy the violation described in the notice within the fixed time period, the Building Inspector may serve notice to the owner or occupier ordering him/her to remedy the violation described in such notice within 30 days after service. Such notice shall be sufficiently served when it has been posted on the building or personally served upon the person named therein.
- 11.2A Notwithstanding sections 11.1 and 11.2, if the Building Inspector has reasonable grounds to believe that an owner or occupant of a property has violated section 5.2 of this Bylaw, and if the Building Inspector had, within the previous year, given written notice of an alleged violation of section 5.2 of this Bylaw to the same owner or occupant with respect to the same property, the Building Inspector may serve notice upon such owner or occupant ordering the remediation of the violation within seven days after service. Such notice shall be sufficiently served when it has been posted on the building or personally served upon the person named therein.

- 11.3 When the owner or occupant fails to comply with the requirements of an order, the Building Inspector may enter upon the property without warrant or other legal process and carry out the work specified in the order.
- 11.4 When the Building Inspector causes work to be done pursuant to this Bylaw, the cost of the work, with interest at the rate determined by the Council, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.
- 11.5 In addition to the remedies of the Building Inspector described above, if an owner or occupant of a dwelling has contravened this Bylaw, the Building Inspector may serve notice on the owner or occupant or both of them ordering them to discontinue the residential use of the dwelling or part thereof and vacate the dwelling or part thereof. Such notice shall be sufficiently served when it has been posted on the dwelling or personally served upon the person or persons named therein.
- 11.6 A notice given under section 11.5 takes effect immediately upon service and continues until the contravention or contraventions have been remedied to the satisfaction of the Building Inspector.
- 11.7 (1) Any person who uses a dwelling for residential use after a notice under section 11.5 has been given is guilty of an offence punishable on summary conviction by a fine of not more than \$5,000 and to imprisonment of not more than three (3) months in default of payment thereof.
- (2) Each day that a person uses a dwelling for residential use after a notice under section 11.5 has been given constitutes a separate offence.