

TOWN OF THE PAS

BY-LAW NO. 2306

BEING A BY-LAW OF THE TOWN OF THE PAS TO ESTABLISH STANDARDS
OF MAINTENANCE AND OCCUPANCY FOR RESIDENTIAL PROPERTY

WHEREAS by Section 298 of the Municipal Act, the Council of any municipality is permitted to pass a By-Law to adopt a proper standard in all existing and future dwellings and other structures.

NOW THEREFORE, the Council of the Town of The Pas is meeting duly assembled doth hereby enact as follows:

Short Title

1. This By-Law shall be referred to as "The Maintenance and Occupancy By-Law."

PART 1 - DEFINITIONS

2. In this By-Law,
 - (1) "Accessory Building" - means a building or structure that is
 - (a) appurtenant to a main building forming part of a dwelling, and
 - (b) located on the same lot as a main building and includes a building or structure partly or wholly attached to the main building.
 - (2) "Basement" - means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade, as approved by the Town.
 - (3) "Building" - means any structure used or intended for supporting or sheltering any use or occupancy.
 - (4) "Cellar" - means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling below adjacent finished grade, as approved by the Town.
 - (5) "Town" - means Town of The Pas.
 - (6) "Dwelling" includes any building, part of a building, trailer or other covering structure, the whole or any portion of which has been used, is used, or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the dwelling.

- (7) "Dwelling Unit" - means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons with cooking, eating, living and sleeping facilities and with separate sanitary facilities.
- (8) "Municipal Superintendent" shall mean the Municipal Superintendent for the Town of The Pas, or a person appointed by the Town Council to act for him.
- (9) "Fence" - means a railing, wall or other means of enclosing a yard and includes barriers and retaining walls.
- (10) "Habitable Room" - means any room in a dwelling used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof.
- (11) "Housekeeping Dwelling Unit" means one or more adjacent rooms used for dwelling purposes providing private culinary facilities including a sink and refrigerator, relative to which a wash basin, water closet, bathtub or shower is shared with the occupants of another housekeeping dwelling unit in the dwelling.
- (12) "Inspector" - means the person or persons from time to time appointed by Council to enforce provisions of this By-Law.
- (13) "Insanitary Condition" - means a condition or circumstance:
- (a) that is offensive; or (b) that is, or may be, or might become injurious to health; or (c) that prevents or hinders the suppression of disease; or (d) that contaminates or pollutes, or may contaminate or pollute food, air or water; or (e) that might render food, air or water injurious to the health or any person; and includes a nuisance and any circumstance or condition declared to be an insanitary condition under this By-Law.
- (14) "Multiple Dwelling" means a building containing three or more dwelling units.
- (15) "Non-Conformance"
- (a) "Immediately Dangerous" non-conformance means a condition which does not comply with the standards established by this By-Law and which in the opinion of the Inspector is unsafe, or dangerous, or

- injurious to health.
- (b) "Hazardous" non-conformance means a condition which does not comply with the standards established by this By-Law and which in the opinion of the Inspector is offensive or may become unsafe, or dangerous, or offensive or injurious to health.
- (c) "Non-Hazardous" non-conformance means a condition which does not comply with the standards established by this By-Law and is other than an "Immediately Dangerous" non-conformance or a "Hazardous" non-conformance.
- §16) "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry room, pantry, lobby, common hallway, stairway closet, cellar, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- (17) "Occupier" - means the person in occupation or having the charge, management or control of any dwelling, whether on his own account or as an agent.
- (18) "Order" - means a notice of non-conformance and order to demolish or repair a building and clear all yards of refuse and debris pursuant to this By-Law.
- (19) "Owner" - means the registered owner of the land and premises and includes the person:
- (a) for the time being managing or receiving the rent of the land or premises in connection with which the word "owner" is used, whether on his own account or as agent or trustee of any other person, or
- (b) who would so receive the rent if such land and premises were let, or
- (c) vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement, or
- (d) the person for the time being receiving instalments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other person or

- (e) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.

- (20) "Premises" include a building as defined herein and any lands, fences, sheds, garages on which the same are situated.

- (21) "Protective Surface" includes any layer of material over the structural surface of a building intended or required to protect the structural surface against deterioration or to decorate the structural surface, and, without limiting the generality of the forgoing, includes paint, varnish, stucco, brick or stone facing, wood or asphalt shingle, and insul-bric siding or any other kind of siding.

- (22) "Repair" includes taking the necessary action to bring any dwelling up to the standards required by this by-law.

- (23) "Nuisance" means any condition which is or may become injurious or prejudicial to health or hinder the suppression of disease, or which is offensive.

- (24) "Rooming House" means a dwelling or portion thereof where lodging and meals are provided for compensation for four or more persons exclusive of the proprietor and his family.

- (25) "Standards" means the standards for the maintenance and improvement of the physical condition and for the occupancy prescribed in this By-Law.

- (26) "Yard" means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or capable of being used in connection with the dwelling.

- (27) "Sewage" means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments; together with such ground; surface and storm waters as may be present.

- (28) "Sewage System" means the Town sanitary sewage system or a private sewage disposal system.

PART II -- ADMINISTRATION

3. It shall be the responsibility of the Town Council or its appointees to enforce the provisions of this By-Law.
4. An Inspector or any other officer, employee, or agent of a municipality, duly appointed and authorized for the purpose, may, at all reasonable times, without the consent of the owner or occupier and upon production of the necessary authority, if demanded, enter upon any land, building or premises in the municipality for the purpose of:
 - (a) inspecting or reading any meter or other appliance or equipment;
 - (b) examining any dwelling or other building thereon or anything appurtenant to any such dwelling or building; or
 - (c) ascertaining whether compliance is being made with any by-law or regulation enacted or made by the Council of the Municipality, or with this By-Law; or
 - (d) carrying into effect or enforcing any by-law or regulation to which clause (c) applies, or any requirement of this By-Law.
5. If as a result of his inspection of a dwelling, building or yard an Inspector is satisfied that a dwelling, building or yard does not comply to a standard, he may make an order, a copy of which shall be served forthwith on the owner of the dwelling, building or yard by personal service or certified mail to him at his address as shown on the last assessment roll of the Town.
6. The order shall contain:
 - (a) a description of the dwelling sufficient to identify it.
 - (b) the particulars of each non-conformance and the date by which it must be corrected.
 - (c) the final date for giving notice of objection from the order, and may also contain an outline of what action may be taken to make the premises conform to the standards and any other information that the Inspector deems necessary.
7. The date by which the non-conformance shall be corrected shall be not less than three weeks from the date of personal service or of the mailing of the notice in the case of a hazardous non-conformance and forthwith in the case of an immediately dangerous non-conformance.

8. There shall be attached to the order:
 - (1) a form of notice of objection in Form 1 of the Schedule, which shall indicate the place to which the notice of objection shall be delivered;
 - (2) a notice of correction in Form 2 in the Schedule to be returned to the Town when the non-conformance have been corrected; and
 - (3) notice of the penalty for each non-conformance.
9. The Protective Services Committee may postpone the last day when a non-conformance must be corrected as shown in the order only upon a showing by the owner that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the dwelling unit wherein the non-conformance occurs.
10. Except in the case of an Immediately Dangerous Order the owner, or a person authorized in writing by him to act on his behalf, may object to an order or any provision thereof by filing with the Secretary-Treasurer a notice of objection within seven days following the serving or mailing of a copy of the order pursuant to Section 7 whichever last occurs.
11. The filing of an objection to an order or any provision thereof as set but in the preceding paragraph shall operate as a stay of proceedings to correct a hazardous or non-hazardous non-conformance pending consideration of the objection by Town Council.
12. The Secretary-Treasurer shall fix a time and place for a meeting to consider the objection, and cause not less than three days notice of the meeting, to be served by certified mail on the appellant at his address as shown on the Town's last assessment roll, provided that in no case shall a meeting be held not later than fifteen days following the filing of the notice of objection pursuant to Section (11).
13. On the day and at the time and place stated in the notice, the Town Council shall conduct the meeting and receive representations from the appellant and the Inspector or Inspectors, or any person appearing on their behalf.
14. The meeting may be adjourned from time to time and

may be resumed at such time and place as the Town Council may decide.

15. The notice pursuant to Section 13 shall inform the appellant that he or his representative may appear at the meeting and make such representation as he so desires and that in the event that he or his representative does not appear at the said meeting a decision may be made by the Town Council in his absence.
16. The Protective Services Committee after conducting the meeting may:
 - (1) affirm the order;
 - (2) rescind the order if they find the appellant conformed to the standards;
 - (3) vary the order to meet the circumstances of the case, either by extending the time within which compliance with the order shall be made, or otherwise.
17. The decision of the Protective Services Committee shall stand in the place of the order in respect of which the objection is made, for all purposes, and the Protective Services Committee decision is final.
18. Every person shall be deemed guilty of a separate offence for each and every day during any portion of which he fails to comply with an order as provided in Section (7), or fails to comply with a decision of the Protective Services Committee as provided in Section (17) as the case may be.
19. Where a person accused of an offence was the owner of the dwelling on the day the order was served and posted as provided in Section 6, it is not a defence that he is no longer the owner thereof.
20. When an owner or occupant has failed to repair or demolish all or any part of a building, the Town may cause the repairs or demolition to be done and the cost of the work shall be added to taxes subject to the conditions set forth in Section 303 (5) of the Municipal Act.

PART III -- STANDARDS

21. Maintenance of Yards
- (1) A yard shall be kept free and clean from:
 - (a) rubbish, garbage, and other debris,
 - (b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof.
 - (c) excessive growth of weeds and grass, and
 - (d) objects and conditions, including holes and excavations, that are health, fire or accident hazards.
 - (2) A yard shall be graded in such manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement, cellar, crawl space, or adjoining properties and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.
22. Sewage and Drainage
- (1) No roof drainage or surface drainage shall be discharged on stairs or neighbouring property and all such drainage shall be conveyed so as not to cause dampness in the walls, ceilings, or floors of any portion of the dwelling itself or any adjacent dwelling.
 - (2) Sewage shall be discharged only into a sewerage system approved by the Municipal Superintendent.
 - (3) Inadequately treated sewage shall not be discharged onto the surface of the ground whether into a natural or artificial drainage system or otherwise.
23. Walks
- (1) A walk shall be provided from the principal entrance of every dwelling to a public street or to a driveway affording access to a public street and such walk be kept reasonably clear of snow.
 - (2) Every walk, driveway and parking space shall be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and shall be maintained so as to afford safe passage under normal use and weather conditions.
 - (3) All exterior steps shall be kept in good repair so as to afford safe passage under normal use and weather conditions.

24. Fences and Accessory Buildings

All fences and all accessory buildings shall be kept:

- (a) weather resistant;
- (b) in good repair; and
- (c) free from health, fire and accident hazards; and
- (d) consistent with the design thereof.

25. Garbage Disposal

- (a) Every building except where other wise permitted by the Municipal Superintendent shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes in accordance with the provision of the applicable Garbage Collection & Disposal By-Law.

26. Pest Prevention

Every building shall be maintained free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin or insects shall conform with generally accepted practice in the Town of The Pas as determined by the Inspector.

27. Ventilation

- (1) Crawl spaces shall be ventilated by mechanical or natural means. Natural means shall consist of a clear unobstructed space of not less than one square foot of vent area for every 500 square feet. of floor area. Mechanical ventilation shall be to the satisfaction of the inspector. Ventilation to the outside air is not required when the crawl space is used as a warm air plenum or if the crawl space is heated. Basements and cellars shall be ventilated by natural or mechanical means. Natural means shall consist of an unobstructed area, (such as windows) with a minimum area of 0.2% of the floor area. Mechanical ventilation shall consist of a system capable of one air change every hour.
- (2) Any opening in a cellar, basement, or crawl space used or intended to be used for ventilation and any other opening in a cellar, basement or crawl space which might admit rodents shall be screened with wire mesh or other such material as will effectively exclude rodents.

28. Foundation Walls and Foundation Supports

- (1) Every foundation wall forming part of a dwelling shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting, masonry cracks and by parging and waterproffing.
- (2) Where any dwelling is on a surface foundation and the Inspector is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the dwelling, he may require that the building be jacked up, floors be levelled, broken or rotted flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the Building By-Law of the Town of The Pas and any amendment thereof.
- (3) Cellar and basement walls and floors shall be constructed of brick, concrete block, stone, or concrete materials impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a catch basin which is connected to a sewage system or some other approved system.

29. Structurally Sound

- (1) The basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and waterproffing.
- (2) 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.
- (3) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

30. Exterior Walls

- (1) Every exterior wall shall be free of holes, loose or rotting boards or timbers, and any other conditions which might admit rodents, rain or dampness to the interior portions of the walls or the interior spaces of the dwelling. Such defective materials and objects shall be removed, repaired or replaced.
- (2) All exterior surfaces shall be of materials which provide adequate protection from the weather.
- (3) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the restoring or repairing of the walls, capping or flashing, by the waterproofing of the joints and of the walls themselves, or be covered by a protective surface where this is necessary to resist deterioration of the structural surface.
- (4) Without limiting the generality of the above, a protective surface of a building shall be deemed to be out of repair if:
 - (a) more than twenty-five percent of the area of any surface or wall on which the protective surface of more than 25% of the area of any surface or wall is blistered, cracked, flaked, scaled or chaled away.
 - (b) more than twenty-five percent of the pointing of any brick or stone wall is loose or has fallen out.
- (5) The exterior of every building shall be so maintained so as not to cause a substantial depreciation in property values in the immediate neighbourhood.

31. Roof

- (1) 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. Without limiting the generality of this section, the maintenance required thereby includes the repairing of eavestroughing and rain water piping and using other suitable means.
- (2) Where the protective surface of a roof consists of wood shingles they shall be maintained in good repair to resist their deterioration.
- (3) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling or an accessory building.

32. 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.

33. Doors and Windows

- (1) Every exterior door to a dwelling, every door to a dwelling unit or housekeeping dwelling unit and every door to rooms occupied by roomers, when closed, shall fit reasonably well within its frame and shall have hardware so as to be capable of being locked from both inside and outside.
- (2) All windows intended to be opened shall have hardware so as to be capable of being locked or otherwise secured from the inside of the dwelling unit.
- (3) All windows and doors, basement or cellar hatchways and their frames shall be so constructed and maintained in such relation to wall construction as completely to exclude rain and substantially exclude wind from entering the structure. Every window shall be properly glazed.
- (4) The Inspector may when he deems necessary, require that doors, door frames, window frames, sashes and casings be renewed, or doors and windows be refitted, weather-stripping be installed, door and window hardware be renewed and reglazing be done.
- (5) Every opening in an exterior wall that is used or required for ventilation or illumination, and is not protected by a window or door, and could permit the entry of rodents or vermin shall be screened with mesh, metal grille, or other durable material, or otherwise protected so as to effectively prevent the entry of rodents or vermin.

34. Screens and Storms

- (1) Close fitting sash screens shall be provided in all windows used for ventilating purposes from May 1 to November 1 in each year. Such screens shall have a mesh of not less than Number Fourteen, and shall be maintained in good condition.
- (2) Where considered necessary by an Inspector, close fitting screen doors shall be provided and installed to exterior doorways and shall be maintained in good condition.
- (3) Storm sashes used in windows required for vent-

tilating purposes shall be provided with sliding or hinged sub-sashes or with other openable device satisfactory to the Inspector.

- (4) Where storm windows are installed in a dwelling, such windows shall be kept in good repair and glazed.
- (5) Where considered necessary by an Inspector, properly fitting storm doors or storm windows shall be provided in a dwelling.

35. Porches, Sheds, Stairs

Every porch, shed and stairway in, on or appurtenant to a building shall be maintained in good repair so that no component thereof is broken, loose, rotted warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

36. Guardrails

- (1) Every interior stair that has more than three risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or be protected by handrails or balustrades, except that a stair to an unfinished basement or cellar may have one unprotected side.
- (2) Handrails and balustrades for stairs shall be at least 2 feet 6 inches above a line drawn through the outside edges of the stair nosings and 3 feet above landings.
- (3) Every exterior stair with more than 3 risers and every exterior landing or porch 2 feet or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof to which access is provided for other than maintenance purposes, shall be protected by balustrades on all open sides.
- (4) Balustrades around roofs shall be at least 4 feet in height. All other balustrades shall be at least 3 feet 6 inches in height.
- (5) Openings through a balustrade shall be of a size as to prevent the passage of spherical objects having a diameter of 4 inches.
- (6) All handrails and balustrades shall be maintained in good repair firmly attached so as to provide reasonable protection against accident and injury.

37. Egress
- (1) Every dwelling unit shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade levels.
 - (2) There shall be a secondary means of egress from every dwelling unit located on each floor above the second floor and for any dwelling units located in the basement so as to provide a safe and convenient means of egress in case of an emergency
 - (3) A secondary means of egress may be required from a dwelling unit located on a first or second floor if in the opinion of the Inspector there exists a hazardous condition.
38. Walls and Ceilings
- (1) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards.
 - (2) Every wall and ceiling shall be finished with a surface that is clean, tight and easily cleaned.
 - (3) The surface of every wall and ceiling in a dwelling shall be maintained in a reasonably clean condition.
 - (4) The Inspector where he deems necessary may require that wood trim be renewed.
39. Floors
- (1) Every floor shall be free of loose, warped, protruding and rotting floor boards, shall be free of wide dirt-harboring holes or cracks and other defects that are fire or accident hazards, and shall be maintained in a clean and sanitary condition.
 - (2) Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.
 - (3) The floor and walls to a height of 3 feet above the floor or bathtub, of every bathroom, shower room and toilet room shall be maintained reasonably resistant to water and in such condition as to permit easy cleaning.
40. Chimneys, Fireplaces
- (1) Every chimney, smoke pipe and flue of a dwelling shall be so maintained so as to prevent any gases, water or any liquid from leaking into the dwelling.
 - (2) Every fireplace used or intended to be used in a dwelling for burning fuels in open fires shall be

maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

41. Cleanliness

Every occupier shall maintain his dwelling unit so that every floor, wall, ceiling, furnishing and fixture in the dwelling is in a clean and sanitary condition and the dwelling shall be kept free from rubbish or other debris or conditions which constitute a fire, accident or health hazard.

42. Water

- (1) Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Municipal Superintendent.
- (2) Every sink, wash basin, bathtub or shower which is used for sanitary purposes in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- (3) All hot water shall be supplied at a minimum temperature of 110°F. (43.3°C) at the tap.

43. Plumbing

All plumbing in a dwelling, including plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system, shall be protected from freezing, shall be maintained in good working order and repair and free from leaks or other defects, and shall meet the requirements of the Town of The Pas Maintenance and Occupancy By-Law #2306 and any amendments thereto.

44. Kitchens

The back splash and countertop around the kitchen sink shall have a water resistant surface. Every kitchen shall be provided with an adequate and approved gas or electrical supply for cooking purposes, and there shall be at least twenty-four inches clear space above any exposed cooking surface of such apparatus.

45. Storage of Food

In a dwelling unit in which the occupants prepare or are intended to or permitted to prepare food for their own consumption a suitable and convenient receptacle containing at least four (4) cubic feet of storage space for food shall be provided and maintained in good repair and in a clean condition.

46. Heating and Cooking

- (1) Every dwelling shall be provided with a heating system properly installed and maintained in a safe and good working condition, capable of providing the minimum temperature of 21⁰C (70⁰F).
- (2) No room heater shall be placed so as to cause fire hazard to walls, curtains and furniture, not to impede the movement of persons within the room where the heater is located.
- (3) A fuel-burning central heating furnace in a multiple family dwelling shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one hour.
- (4) A space that contains a heating furnace shall have natural or mechanical means of supplying the required combustion air in compliance with the Town of The Pas Building By-Law and any amendments thereto.
- (5) Fuel-burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or vent flue in compliance with the Town of The Pas Building By-Law and any amendments thereto.
- (6) All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry repaired.
- (7) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire and accident hazards.
- (8) Where in any dwelling the Inspector finds that the heating system, by reason of being under-sized or of faulty design, is not capable of heating all parts of the premises normally used for living or sleeping, including kitchens, bathrooms, and toilet rooms, to a temperature of 70 degrees F. (21⁰)C. he may require that alterations be made to the heating system or, where he deems necessary a new heating system be installed, and he may, alternatively or additionally, require that some or all of the enclosing surfaces of the dwelling, or any part thereof, be insulated, and vapour barrier be installed, in accordance with current, common and generally approved practice.

47. Gas and Open Flame-Type Appliances

- (1) Gas stoves, water heaters and other gas appliances shall be provided with suitable pipes or flues or other effective means for the removal of the products of combustion, and all such appliances shall be kept by the owner of such appliances in a proper state of repair and in efficient working order.
- (2) No gas or open-flame type appliance of any kind shall be installed in any room used for sleeping purposes or in any room connected by an archway to a room used for sleeping purposes, and no person shall use or allow to be used for sleeping purposes any room containing a gas stove or other gas or open-flame type appliance, or any room connected by an archway to such room.

48. Electrical Services

- (1) Every dwelling shall be connected to an electrical supply system and shall be wired for electricity.
- (2) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling and the capacity of the connection to the dwelling and the system of circuits distributing the electrical supply within the dwelling shall be adequate for the use and intended use in the dwelling and shall be in compliance with the Manitoba Electrical Code.
- (3) The electrical wiring, circuits, fuses, circuit-breakers and electrical equipment shall be maintained at all times in compliance with the provisions of the Manitoba Electrical Code.
- (4) No person shall place an extension cord directly beneath a floor covering, or through a doorway, transom, wall, ceiling or floor, and no person shall use, cause or permit the use of an extension cord so placed.
- (5) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use as indicated by the amperage of wattage requirements shown on the appliance or appliances in use, no person shall use an additional appliance so as to increase the use beyond the capacity of the circuit.

49. Light

- (1) Adequate artificial light shall be available at all times in all rooms and in every stairway, hall, cellar and basement in a dwelling.
- (2) All storage rooms, locker rooms, corridors, hallways and stairways in multiple dwellings, and rooming houses shall be illuminated at a minimum 5 foot candles at

all times so as to provide safe passage and to facilitate the maintenance of cleanliness.

- (3) Every habitable room above grade except for a kitchen, shall have a window or windows, or translucent panels that face directly to the outside at least six inches above the adjoining finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash or sliding doors may be considered as a portion of the required window area.
- (4) Whenever walls or other portions of structures are located less than three feet from a window, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.
- (5) Whenever window wells are used, only that part of of the window which is above a 45° line projected downwards from the top of the window well shall be used only in calculating the required light transmitting area.
- (6) Skylights as a sole means of lighting any room in any dwelling are prohibited, but they may be used only as a supplementary means provided that they are constructed so as to be water tight and protected in a suitable manner against condensation.

50. Ventilation

- (1) Unless a satisfactory alternative means of ventilation is provided every habitable room shall have at least one window which can be easily opened and held in an open position by window hardware.
- (2) Bathrooms and toilet rooms shall be ventilated with a window which can be opened and held in an open position by window hardware or by local or mechanical ventilation.
- (3) Where in a dwelling a system of mechanical ventilation is provided in a bathroom, toilet room or kitchen, it shall be:
 - (a) capable of completely changing the air in the room at least once per hour, and
 - (b) maintained in good repair and working order at all times.
- (4) All enclosed spaces within a dwelling shall be adequately ventilated, and access of sufficient size to permit entry shall be provided thereto and fitted with a door or panel to enclose the opening.

51. Space Requirements

- (1) No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- (2) At least one-half of the floor area of every habitable room, except in a cellar, shall have a ceiling height of seven feet six inches. The floor area of that part of any room where the ceiling height is less than four feet six inches shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy of the dwelling unit.
- (3) The maximum number of occupants in a dwelling unit shall not exceed one person per 80 square feet of habitable room floor area with the exception that where a dwelling unit or housekeeping dwelling unit consist of only one habitable room it shall:
 - (a) contain at least 120 sq. ft. of floor area for a single occupant.
 - (b) at least 160 sq.ft. of floor area for two persons, and
 - (c) not be occupied by more than two occupants.
- (4) The minimum floor area of any room used by only one person for sleeping shall be sixty square feet.
- (5) The minimum floor area of any room used by two or more persons for sleeping shall be 40 square feet per person.
- (6) Where deemed necessary the Inspector may affix to any room in a multiple dwelling, rooming or lodging house, a card stating thereon the number of persons who may occupy such room and the owner or person in charge shall be held responsible for the number of persons so occupying.
- (7) Subject to Section 302 of The Municipal Act, the Inspector shall be allowed access to any dwelling, rooming house, multiple dwelling, dwelling unit, or housekeeping dwelling unit, during the day or night where overcrowding may exist or in the enforcement of any notice or order previously issued to abate overcrowding.

52. Basement and Cellar Occupancy Etc.

- (1) No basement shall be used as a dwelling unit or habitable room unless it meets the following requirements:
 - (a) the dwelling unit or habitable room meets all requirements for egress, light, ventilation, and ceiling height set out in this By-Law.
 - (b) floor and walls are constructed so as to be impervious to leakage of underground and surface run-off water.
 - (c) each habitable room shall be separated from the heating equipment, or other similarly hazardous equipment by a partition having a fire resistance rating of at least one hours.

- (d) access to each habitable room shall be gained without passage through a furnace or boiler room.
- (2) No Camp-car, automobile, house trailer, or other temporary structure shall be used as a permanent shelter or enclosure for persons and their effects for the purpose of living therein without the permission of the Inspector, excepting in licensed trailer camps and tourist courts.
- (3) No store, shed or commercial or industrial building, nor any portion thereof not designed and intended to be a dwelling unit, shall be occupied as a dwelling unless it is altered in compliance with the Town of The Pas By-Law #2217 and any amendments thereto.

53. Insanitary and Hazardous Conditions

- (1) No person shall commit any nuisance nor permit or maintain any insanitary condition in any premises within his control or management, nor shall he permit the existence of any conditional matter or thing which in the opinion of the Inspector provided or may provide food or harborage for rodents, vermin and insects.
- (2) No person shall permit the existance of lice, bed bugs, cockroaches, silverfish or other insects in any dwelling or part thereof under his ownership, management or control.
- (3) No person shall occupy or let to another for occupancy, any dwelling unit or portion thereof which is not clean and sanitary.
- (4) Where furnished accommodation is provided in any dwelling, all furniture, refrigerators, cooking appliances, beds, bedspreads, bedsprings, pillows, mattresses, bed linen, blankets, bed covers, blinds and curtains shall be maintained in good repair and in a clean and sanitary condition.
- (5) No dwelling, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, of any combustible article, except under such conditions as may be prescribed by the Fire Chief under authority of a written permit issued by him.

PART IV -- GENERAL REQUIREMENTS

54. General Duties and Obligations

- (1) No person shall:
 - (a) use
 - (b) permit the use of
 - (c) rent, or
 - (d) offer to rentany dwelling or dwelling unit or room that does not conform to the standards or provisions of this By-Law.
- (2) The owner of any dwelling shall either:
 - (a) repair and maintain the dwelling in accordance with the standards; or
 - (b) demolish the whole or the offending part of any dwelling that is not in accordance with the standards.
- (3) Where an Inspector has placed or caused to be placed a copy of an Order upon any premises under the Authority of this By-Law, no person shall remove such copy of the Order except with the consent of the Inspector.
- (4) All repairs to a dwelling shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose, and in compliance with all applicable By-Laws.

55. Responsibilities of Tenant

- (1) Subject to the provisions of any lease, the tenant of a dwelling shall:
 - (a) limit occupancy of that part of the premises which he occupies or controls to the maximum permitted by this By-Law.
 - (b) maintain that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
 - (c) maintain all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he occupies or controls in a clean and sanitary condition, and provide reasonable care in the operation and use thereof.
 - (d) maintain a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
 - (e) dispose of garbage and refuse into provided facilities in a clean and sanitary manner.
 - (f) maintain yards in a clean, sanitary and safe condition and free from infestation insofar as he occupies and controls the yard.

56. Conflict with other By-Laws

Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Town, the provision that established the higher standard to protect the health, safety and welfare of the general public prevails.

57. The standards as set out in this by-law shall apply to all existing buildings, dwellings and structures and to all buildings, dwellings and structures built after the date of the passing of this by-law.

PART V -- PENALTY PROVISION

58. General offence and punishment

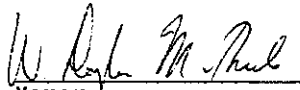
Every person who contravenes, or refuses, neglects, omits, or fails, to obey or observe, any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars (\$100) or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Continuing Offence

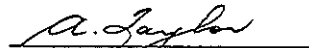
Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

59. By-Law No. 2048 is hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THE 21ST DAY OF MARCH,
A.D. 1979.



Mayor



Town Clerk

*10/11/79
- 177
- 10/11/79*

THE TOWN OF THE PAS

ORDER TO REPAIR

Made under By-Law No. 2306 being a by-law to establish a minimum standard of maintenance and occupancy for residential property in The Town of The Pas.

To: _____ Date: _____

Description: _____

YOU ARE HEREBY REQUIRED to take such action as is necessary to put the premises referenced above in such condition as to make them conform to the standards established by the Maintenance and Occupancy By-Law, and in particular to:

within _____ of the service of this Order on you.

NOTICE:

1. If you wish to object this order or any provision thereof to the Protective Services Committee, you must, within SEVEN (7) DAYS from the date of service of the Order upon you, file a Notice of Objection, duly completed, with the Secretary-Treasurer, The Town of The Pas, Box 870, THE PAS, Manitoba.
2. Attachments hereto:
 - (a) Notice of Objection Form 1
 - (b) Notice of Correction Form 2, to be returned to the Town when the non-conformances have been corrected.
 - (c) Notice of Penalty
3. This Order does not dispense with any requirements of The Town of The Pas concerning building, plumbing, electrical or other permits.
4. Your failure to comply with this "Order" will be an offence under the By-Law for which penalties are provided on conviction, as well, you may be subject to additional enforcement procedures necessary to obtain compliance.
5. For an appointment or enquiries regarding the Order or any conditions thereon should be made to the Inspector, Telephone #623-6481, ext.29, between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

FORM 1

Section 8.1

IN THE MATTER of the "Maintenance and Occupancy By-Law"
No. 2306 of The Town of The Pas.

NOTICE OF OBJECTION

PLEASE TAKE NOTICE that the undersigned Appellant hereby
appeals to the Protective Services Committee of The Town
of The Pas Order to _____

made by _____
Name and Title

on the _____ day of _____
19 _____ respecting the residential premises known as

Dated at _____ this _____ day of _____
19 _____.

Signature of Appellant

Address

FORM 2
Section 8.2

IN THE MATTER of the "Maintenance and Occupancy By-Law"
No. 2306 of the Town of The Pas.

NOTICE OF CORRECTION

TO: The Town of The Pas
Box 870
The Pas, Manitoba
R9A 1K8

Attention: _____

PLEASE TAKE NOTICE that the undersigned hereby advises
that the non-conformance noted in ORDER NO. _____
with respect to the residential property located at

have been corrected as required.

Dated at _____ this _____ day of
_____ 19 _____.

Signature of Owner

Address

THE TOWN OF THE PAS

ORDER NO. _____

ORDER TO REPAIR

Made under By-Law No. 2307 being a by-law to establish a minimum standard of maintenance and occupancy for Commercial property in The Town of The Pas.

To: _____ Date: _____

Description: _____

YOU ARE HEREBY REQUIRED to take such action as is necessary to put the premises referenced above in such condition as to make them conform to the standards established by the Maintenance and Occupancy By-Law, and in particular to:

TOWN OF THE PAS

BY-LAW NO. 2329

BEING A BY-LAW TO AMEND BY-LAW NO. 2306

WHEREAS By-Law No. 2306 being a by-law to establish standards of maintenance and occupancy for residential property was passed in Council duly assembled the 21st day of March A.D. 1979;

AND WHEREAS it is deemed expedient and necessary to amend By-Law No. 2306.

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

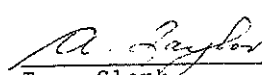
1. That Section 43, Plumbing, be amended by adding thereto immediately before the first paragraph thereof, the following:

"Each family housing unit shall have a kitchen sink, water closet, lavatory and bathroom."

DONE AND PASSED IN COUNCIL ASSEMBLED THE 16TH DAY OF MAY A.D. 1979



Mayor



Town Clerk

THE TOWN OF THE PAS

BY-LAW NO. 2769

BEING A BY-LAW OF THE TOWN OF THE PAS TO AMEND BY-LAW NO. 2306.

WHEREAS By-Law No. 2306, being a by-law to establish standards of maintenance and occupancy for residential property, was passed by Council in Council assembled the 21st day of March, A.D. 1979;

AND WHEREAS it is deemed necessary and expedient to amend By-Law No. 2306, as amended.

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. THAT By-Law No. 2306 be amended as follows:
 - (a) PART 1 - DEFINITIONS, Section 2 (6) be repealed and replaced as follows
 - (6) "Dwelling" - "a building or structure, or part of a building or structure, occupied, or capable of being occupied, in whole or part, for the purposes of human habitation, and includes the land and premises appurtenant thereto and all porches and sheds or other out buildings, and all steps, fences or erections thereon or therein."
 - (b) PART 1 - DEFINITIONS be amended by adding thereto the following sections
 - (29) "Enforcement Officer". The Enforcement Officer is to be defined as the person or persons from time to time appointed by Council to enforce provisions of this By-Law.
 - (30) "Health Officer", means the Director of Public Health Services appointed under the Department of Health Act, and includes any person who, under that Act, the Public Health Act, or the Health Services Act, is or is appointed as a medical officer of health or as medical director of a local health unit.
 - (c) SECTION 30 - EXTERIOR WALLS, be amended by adding thereto the following section
 - (6) The owner of every dwelling, as defined herein, shall satisfactorily maintain the physical condition of the exterior surface and in particular the said exterior surface shall be kept free and clear of all graffiti.
 - (d) SECTION 53 - INSANITARY AND HAZARDOUS CONDITIONS - be amended by adding thereto the following section
 - (6) "Where the Health Officer reports to the Town that any dwelling is in a unsanitary condition, the Planning and Development Committee, upon receiving said report, shall have the power to condemn, prevent the occupation of and/or the closing up of said dwelling.

The Planning and Development Committee shall also have the authority to impose a penalty upon the owner of the dwelling for permitting the dwelling to be in such a condition and shall have the power to authorize the prosecution of same.

The Planning and Development Committee, where they are made aware that any dwelling is in an apparent unhealthful or unsafe condition or likely to be the cause of fire, may order any enforcement officer to enter upon and inspect the premises."


(e) PART V - PENALTY PROVISION is amended by repealing Section 59 thereof and replacing therefor the following section.

59. "And notwithstanding the general offence and punishment of Section 58 of this By-Law, any owner who permits a dwelling to be in an unsanitary condition is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$20.00 for each day the dwelling is permitted to remain in such a condition."


(f) By adding thereto, the following section.

"60. By-Law No. 2048 is hereby repealed."

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 7TH DAY OF OCTOBER A.D. 1987.



Mayor



Town Clerk

TOWN OF THE PAS

BY-LAW NO. 4307

BEING A BY-LAW OF THE TOWN OF THE PAS TO AMEND BY-LAW NO. 2306.

WHEREAS By-Law No. 2306, being a by-law of the Town of The Pas to establish standards of maintenance and occupancy for residential property was passed by Council on the 21st day of March, A.D. 1979;

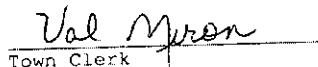
AND WHEREAS it is deemed necessary and expedient to amend By-Law No. 2306;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. THAT Part I: DEFINITIONS be amended by repealing Section 2. (6), (7) and (10) and substituting thereto the following:
 - (6) "Dwelling" includes any building, part of a building, trailer or other covering structure, whether occupied or unoccupied the whole or any portion of which has been used, or is used, or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the dwelling.
 - (7) "Dwelling Unit" means one or more rooms located within a dwelling whether occupied or unoccupied which has been used, or is used, or intended to be used for the purpose of human habitation by one or more persons with cooking, eating, living and sleeping facilities and with separate sanitary facilities.
 - (10) "Habitable Room" means any room in a dwelling, whether occupied or unoccupied, which has been used, or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof.

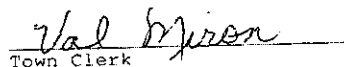
DONE AND PASSED IN COUNCIL ASSEMBLED THIS 15th DAY OF August A.D., 2001.


Mayor


Town Clerk

CERTIFIED THAT BY-LAW NO. 4307 WAS:

READ A FIRST TIME THIS	1st	DAY OF	AUGUST	A.D. 2001.
READ A SECOND TIME THIS	1st	DAY OF	AUGUST	A.D. 2001.
READ A THIRD TIME THIS	15th	DAY OF	AUGUST	A.D. 2001.


Town Clerk

TOWN OF THE PAS

BY-LAW NO. 4388

BEING A BY-LAW OF THE TOWN OF THE PAS TO AMEND BY-LAW NO. 2306.

WHEREAS By-Law No. 2306, being by-law of the Town of The Pas to establish standards of maintenance and occupancy for residential property was passed by Council on the 21st day of March. A.D. 1979;

AND WHEREAS By-Law No. 2306 was amended by By-law No. 2329 on the 16th day of May 1979, By-Law No. 2769 on the 7th day of October 1987 and By-Law No. 4307 on the 15th day of August 2001;

AND WHEREAS it is deemed necessary and expedient to amend By-Law No. 2306 as amended;

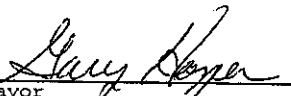
NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. THAT By-law No. 2306 be amended by repealing Section 7. and substituting the following new Section 7.:

"7. The date by which the non-conformance for grass/weeds shall be not less than ten days from the date of personal service or of the mailing of the notice by registered mail.

The date by which all other non-conformances shall be not less than twenty one days from the date of personal service or of the mailing of the notice by registered mail."

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 5TH DAY OF *JULY* A.D., 2006.


Mayor

Val Miron, Acting CAO
41 Town Clerk

CERTIFIED THAT BY-LAW NO. 4388 WAS:

READ A FIRST TIME THIS	<i>21ST</i>	DAY OF	<i>JUNE</i>	A.D. 2006
READ A SECOND TIME THIS	<i>5TH</i>	DAY OF	<i>JULY</i>	A.D. 2006
READ A THIRD TIME THIS	<i>5TH</i>	DAY OF	<i>JULY</i>	A.D. 2006

Val Miron, Acting CAO
41 Town Clerk