



**THE CORPORATION OF THE
CITY OF MISSISSAUGA**

Property Standards By-law 654-98

(Amended by 357-00, 162-03, 89-04, 76-06, 368-06, 348-07, 211-08, 155-13, 64-16, 46-17)

WHEREAS under subsection 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Corporation of the City of Mississauga includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the City of Mississauga is desirous of passing a by-law under subsection 15.1(3) of the Building Code Act;

AND WHEREAS subsection 15.6(1) of the Building Code Act requires that a by-law passed under subsection 15.1(3) of the Building Code Act shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of The Corporation of the City of Mississauga hereby **ENACTS** as follows:

1. SHORT TITLE

This By-law may be referred to as the “Property Standards By-law”.

2. DEFINITIONS

In this by-law,

“*accessory building*” means a subordinate building or structure on the same lot as the main building, or a part of the main building and devoted exclusively to a use that is naturally and normally incidental, subordinate, and exclusively devoted to the principal use of the main building on the lot;

“*balcony*” means an external balustraded platform and includes both upper and lower surfaces of the platform; (162-03)

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“boarded building” means a vacant, a partially vacant building, or an abandoned building or structure in which some or all of the windows, doors or other openings have been covered for by affixing wood or metal over them so as to prevent the entrance of elements or unauthorized persons; (162-03)

“building” means any structure used or intended to be used for supporting or sheltering any use or occupancy; (155-13)

“certificate of compliance” means a written opinion of property compliance with the standards contained in this by-law issued under Section 15.5 (1) of the *Building Code Act 1992*, S.O. 1992, c.23, as amended. (76-06)

“child of tender years” means a person who is or, in the absence of evidence to the contrary, appears to be under the age of twelve years. (76-06)

“city” means The Corporation of the City of Mississauga in the Regional Municipality of Peel;

“compost” means a mixture of decaying organic matter used or intended to be used as fertilizer;

“Council” means the Council of The Corporation of the City of Mississauga;

“debris” means the remains of anything broken, discarded or not being used for the intended designed purpose, and includes but is not limited to, garbage, ashes, rubbish, builder’s and building contractor’s refuse, industrial or residential waste, inoperative vehicles, motor vehicle parts and accessories; (155-13)

“demolish” means the doing of anything to effect the removal of a building or structure or part thereof;

“Director” means the City’s Director of Enforcement and his or her designate or successor; (155-13)

“domesticated mouse or rat” means a mouse or rat: (155-13)

- (a) kept as a pet by an occupant of a dwelling or dwelling unit, normally in an enclosed cage or container within the dwelling or dwelling unit;
- (b) cared for and fed by the occupant, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the dwelling or dwelling unit and cage or container; and
- (c) kept in compliance with any applicable animal control laws or by-laws.

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“dwelling unit” means one or more habitable rooms designed, occupied or intended to be occupied as living quarters;

“Fees and Charges By-law” means the City’s applicable Fees and Charges By-law;

“fence” means any structure, except a structural part of a building, used wholly or partially to screen from view, to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land, and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, any hedge or grouping of shrubs, or other combination of fencing components which form a continuous barrier for the same purposes; (162-03)

“fire code” means the regulations made under section 12 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

“graffiti” means one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City’s sign by-laws or a mural which has been authorized by the City;

“habitable room” means a room commonly used for living purposes, including a bedroom and kitchen, but does not include any space in a dwelling used as a lobby, hallway, closet, or bathroom, or any room having a floor space of less than 4.5 m²; (162-03)

“hard surface” means asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder having a minimum over all depth of 15.0 cm. or any other permanent type of surfacing which prevents the raising of dust or loose particles. (76-06)

“health hazard” means a condition of a premise, a substance, thing, plant or animal other than man, or a solid, liquid, gas or combination or any of them, that has or that is likely to have an adverse effect on the health of any person and includes but is not limited to accumulations of water that is infected with mosquito larva implicated in the transfer of the West Nile Virus; (162-03)

“heritage attributes” means the attributes or features of property, buildings or structures that contribute to the property’s cultural heritage value or interest that are defined or described or that can be reasonable inferred: (211-08)

- (a) In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise;
- (b) In a Minister’s order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, reason for designation or otherwise;

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- (c) In a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
- (d) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise; or
- (e) Notwithstanding subsection (d), from section 3.1.3.1 of the Old Port Credit Village Heritage Conservation District Plan where a property is located in the Old Port Credit Village Heritage Conservation District.

“hoarding” means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development

“Lodging House:” means **“Lodging House”** as defined in the City’s Residential Rental Accommodation Licensing By-law 172-10, as amended; (155-13)

“multiple occupancy residential building” means a building containing more than two dwelling units;

“noise attenuation wall” means a wall which is intended to be used for the purpose of abating noise and which has a minimum density of four pounds per square foot or twenty kilograms per square metre;

“non-habitable space” means any space in a dwelling or dwelling unit other than a habitable room, and includes a washroom, bathroom, toilet room, laundry, lobby, communication corridor, stairway, closet, boiler room and other space used for service and maintenance of common use, for access to and vertical travel between storeys and a basement or part thereof which does not comply with the standards of occupancy set out in this by-law;

“occupant” means any person or persons over the age of 18 years in possession of the property; (155-13)

“Ontario Building Code” means the regulations made under section 34 of the Building Code Act, S.O. 1992, c.23, as amended;

“Ontario Electrical Safety Code” means the regulations made under section 111 of the Power Corporation Act, R.S.O. 1990, c. P. 18, as amended;

“owner” includes: (155-13)

- (a) an owner in fee simple;

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- (b) the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on the person's own account, or as agent or trustee of any other person, or who would receive the rent if the property were let; and
- (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

“parking garage” means a building or part thereof used or intended for the storage or parking of motor vehicles, boats, trailers bicycles or other machinery and which contains no facilities for the repair or servicing of vehicles as authorized in accordance with municipal by-laws.

“Part IV Heritage Property” means real property, including all buildings and structures thereon, that has been designated by the City under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act, R.S.O. 1990, c.O.18*, as amended, or substituted from time to time. (211-08)

“Part V Heritage Property” means real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under section 41 of the *Ontario Heritage Act, R.S.O. 1990, c.O.18*, as amended, or substituted from time to time. (211-08)

“person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent and the heirs, executors or legal representatives of the person to whom the context can apply according to the law; (155-13)

“pest” includes any ant, cockroach, hornet, mouse, rat, silver fish, wasp, other wild animals, pigeons, or other wild birds, but does not include any domesticated mouse or rat; (155-13)

“property” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property, a Part IV Heritage Property and a Part V Heritage Property; (155-13)

“Property Standards Officer” means a person appointed by the Corporation of the City of Mississauga or assigned by the Director to enforce this By-law; (155-13)

“property standards order” means an order made under subsection 6(4) of this By-law; (155-13)

“reasonable timeframe” means a short period of time deemed to be acceptable by the Property Standards Officer, not to exceed 1 year; (155-13)

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“residential property” means a property that is used or designed for use as a dwelling unit;

“Site Plan” means site plan as referenced in the *Planning Act*, R.S.O. 1990, c. P.13; (155-13)

“standards” means the standards of physical condition and occupancy of property set out in this by-law.

“swimming pool enclosure” means a fence or wall or combination thereof including any doors or gates surrounding an outdoor swimming pool and restricting access thereto; and (162-03)

“temporary” means a period of time that is not to exceed a six month period. (155-13)

“unfinished” means buildings or structures left in an incomplete state of workmanship and land not left in a clean and clear condition. (155-13)

“waste containers” means the Region of Peel’s current and approved garbage carts, recycling carts and organic carts; (64-16)

“yard” means any open, uncovered, unoccupied space appurtenant to a building.

3. SCOPE

This by-law shall apply to all property in the City.

4. STANDARDS

The standards for maintenance and occupancy of property set out in this by-law are prescribed as the minimum standards for the City.

4.1 STANDARDS FOR PART IV AND PART V HERITAGE PROPERTIES (368-06, 348-07, 211-08)

- (1) In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this by-law, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall: (211-08)**
 - (a) Maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.**
 - (b) Maintain the property and the components of the property that hold up, support or protect the Heritage Attributes in a manner that will ensure the protection and preservation of the Heritage Attributes.**

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- (2) **Despite any other provision of this by-law, where a Heritage Attribute of a Part IV Heritage Property, or a Part V Heritage Property can be repaired, the Heritage Attribute shall not be replaced and shall be repaired: (211-08)**
- (a) **In a manner that minimizes damage to the heritage values and attributes of the property;**
 - (b) **In a manner that maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;**
 - (c) **Using the same types of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and**
 - (d) **Where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.**
- (3) **Despite any other provision of this by-law and notwithstanding that a permit may be required under the *Ontario Heritage Act* or the *Building Code Act, 1992*, where a Heritage Attribute of a Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced: (211-08)**
- (a) **Using the same types of material as the original;**
 - (b) **Where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and**
 - (c) **In a manner that replicates the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute.**

5. PROHIBITION

- (1) **No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards set out in Sections 7 and 8 of this by-law.**
- (2) **The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.**

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- (3) Notwithstanding subsection (2), the owner of a Part IV Heritage Property or a Part V Heritage Property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards and the property shall not be cleared of all buildings and structures that fail to do so. (368-06, 211-08)
- (4) **POWER OF CITY TO REPAIR OR DEMOLISH** (155-13)
- (a) If the owner or occupant of a property fails to comply with a final and binding property standards order, the City may cause the property to be repaired or demolished in accordance with such order.
- (b) The City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under paragraph 5(4)(a).
- (c) Despite paragraph 5(4)(a), no building or structure on a Part IV Heritage Property or a Part V Heritage Property may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.
- (d) Upon completion of the work necessary for compliance with the property standards order under subsection 5(4), the City shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 on the *Municipal Act, 2001*, which, amongst other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes.

6. **ADMINISTRATION**

- (1) **Property Standards Committee**
- (a) Council shall appoint at large, by a Resolution of Council, five (5) citizens to the Property Standards Committee for a term of office concurrent with Council.
- (b) Each member of the Property Standards Committee shall receive an honorarium of \$100.00 per day (\$50.00 per half day) for attendance at Property Standards Committee meetings for the City of Mississauga.

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- (c) Every person who intends to appeal an Order made under subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in subsection 15.3(1) of the Building Code Act, S.O. 1992, c.23. All notices of appeal shall be accompanied by a non-refundable payment as provided for under the applicable Fees and Charges By-law , as amended. (162-03, 76-06)

(2) **Property Standards Officer**

- (a) The Council may from time to time appoint officers to carry out the administrative functions of this by-law including the enforcement thereof.
- (b) Any building or plumbing inspector, fire prevention officer, arborist or by-law enforcement officer of the City is hereby authorized and directed to act from time to time as an assistant to the officer.

(3) **Certificate of Compliance**

Where a Certificate of Compliance is requested by a property owner, it shall be issued by the property standards officer but only where accompanied by a non-refundable fee payment as provided for under the applicable Fees and Charges By-law, as amended. (76-06)

(4) **PROPERTY STANDARDS ORDER (155-13)**

If, after inspection, a Property Standards Officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such property standards order shall be served on the owner of the property and may be served on such other persons affected by it as the Property Standards Officer determines and a copy of the order may be posted on the property.

(5) **REGISTRATION OF PROPERTY STANDARDS ORDER (155-13)**

- (a) A final and binding property standards order may be registered in the land registry office on title to the property to which it applies and, upon such registration, any person acquiring any interest in the property subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 6(4). The owner shall be responsible for paying the applicable fee as set out in the Fees and Charges By-law.

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- (b) An owner or occupant may apply for a discharge of a property standards order issued and registered on title to a property by submitting a completed application form and paying the applicable fee as set out in the Fees and Charges By-law and where, upon inspection of the property by a Property Standards Officer, compliance with the order is found, the discharge shall be registered by the City.

7. STRUCTURAL CAPACITY

Every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life.

8. FOUNDATIONS AND FOUNDATION WALLS

The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted, walls, joists, beams or other exposed wood members are waterproofed, and so that there is adequate subsoil drains at footing levels and that jacking, underpinning or shoring is done where necessary.

9. EXTERIOR WALLS

- (1) The exterior walls of every building or structure or part of a building or structure must be structurally sound, weather proof and free of loose and unsecured objects and materials. Improperly secured objects and materials shall be either removed, repaired or replaced.
- (2) All brick and stonework, cornices, entablatures, belt courses, parapet walls, corbels, terra-cotta trim, wall facings and similar decorative features shall be maintained in good repair and safe condition with proper anchorage.
- (3) The exterior wall of every building and structure shall be properly painted or otherwise treated.
- (4) The cladding on the exterior walls of all buildings or structures shall consist of masonry stucco, wood, finished plywood, metal or other similar materials that are of equivalent strength, durability and fire resistance.

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10. ROOFS

- (1) Buildings shall maintain a roof and its components and attachments including the fascia board, soffit, cornice and flashing, and shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the building; (155-13)**
- (2) The roof of every building or structure shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow. Improperly secured objects and materials shall be either removed, repaired or replaced. (155-13)**
- (3) All roof flashing, gutters, valleys, eaves troughs and downpipes shall be secured, free of rust and maintained in a serviceable condition. (155-13)**
- (4) All soffit and fascia components of a building shall be secured and maintained in good repair and properly painted or otherwise treated. (155-13)**

11. EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

- (1) The exterior doors, windows and exterior trim of every building or structure or part of a building or structure, shall be maintained in a good state of repair, properly fitted to prevent the entrance of the elements and painted or otherwise treated to provide protection against decay and rust.**
- (2) The owner shall provide and install a safety device on any window with a movable sash, and on any balcony door, so as to ensure that a child of tender years will be unable to open such windows or doors to a width greater than four (4) inches (10 centimetres).**
- (3) The owner of an apartment building shall provide and install in a secure manner, screens on all exterior door and window openings in each apartment unit.**
- (4) Where windows in exit stairways of buildings greater than three storeys in height extend to less than 42 inches (107 centimetres) above the landing, they shall be protected by a guard not less than 42 inches (107 centimetres) in height.**
- (5) No window referred to in subsection (2) shall be equipped with a safety device that makes it incapable of being opened by an adult in an emergency without the use of tools.**

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12. BALCONIES

- (1) Balconies shall be structurally sound and shall not allow the ponding of water. All balconies shall be enclosed by a sound, safe, clean railing which is firmly fastened to the main structure.**
- (2) All balconies shall be kept clear of accumulations of unsightly material or objects.**
- (3) All railings shall be sound, rust free, properly treated or painted.(162-03)**

13. EXTERIOR STAIRS AND PORCHES

- (1) All exterior stairs, stairways, porches, awnings, canopies, fire escapes and other related structures shall be structurally sound, properly painted or otherwise treated, and free of loose and unsecured objects and materials.**
- (2) Where there is a difference in elevation between adjacent levels of 24 inches or more, a guard shall be installed and maintained in accordance with the Ontario Building Code.**

14. UNFINISHED BUILDINGS OR STRUCTURES

All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable timeframe and where applicable, in accordance with all applicable laws. (155-13)

14.1 VACANT DAMAGED BUILDINGS (162-03, 155-13)

- (1) In addition to complying with all other applicable provisions of the By-law, the owner of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.**
- (2) Notwithstanding subsection 11(1), where the exterior doors, windows, trim or other openings of vacant buildings, partially vacant buildings, buildings damaged by accidents, storm, fire, neglect or otherwise, or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair in the City may order the property owner to board the building or structure as a temporary repair measure so as to protect such building and adjoining properties against damage arising from the entry of unauthorized persons by closing and securing openings to the building, prevent the entrance of the elements, or the infestation of pests in compliance with this By-law.**

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- (3) Where any building is vacant or is damaged by accident, storm, fire, neglect or otherwise, the buildings shall be demolished or boarded up and maintained securely by the owner to protect such building and adjoining properties against damage arising from the entry of unauthorized persons, prevent the entrance of elements, or the infestation of pests by closing and securing openings to the building
- (4) For the purposes of subsection 14.1(2), doors, window, trim, hatches and other openings are required to be maintained so as to properly perform their intended function and secured from unauthorized entry, prevent the entrance of the elements, or the infestation of pests, or shall be prevented by closing and securing an opening for a temporary period with at a minimum:

 - (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building, and shall be painted or otherwise treated so that the colour blends with the exterior of the building;
 - (b) metal sheathing which is weather resistant, completely covers the opening, where possible, is installed within the reveal of the exterior cladding, is securely fastened to the building, and shall be painted or otherwise treated so that the colour blends with the exterior of the building; or
 - (c) brick or concrete block and mortar which completely covers the opening, is securely fastened to the building, and shall be painted or otherwise treated so that the colour blends with the exterior of the building.
- (5) The options available in subsection 14.1(4) shall be considered progressively more secure with (c) being the most secure, and the minimum standard imposed by subsection 14.1(4) shall be considered not to include the use of a less secure option which has failed to exclude unauthorized entry, prevent the entrance of the elements, or the infestation of pests.
- (6) At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in subsection 14.1(4), the owner shall supply such more secure options as may be required by a property standards order. The property standards order shall not remove, reset or extend the time of the temporary period for the temporary repair measure.
- (7) The exterior walls and other surfaces of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall be maintained so as to properly perform their intended function.

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- (8) Where a building remains vacant for a period of more than 90 days, the owner shall ensure that all utilities serving the building, which are not require for safety, or security, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjoining property.**
- (9) Vacant buildings, including vacated fire damaged buildings, shall be kept cleared of all garbage, rubbish, flammable substances and debris.**

14.2 BOARDED BUILDINGS ON HERITAGE PROPERTIES (368-06)

- (1) Notwithstanding the provisions in section 14.1, this section applies exclusively to all buildings and structures located on a Part IV Heritage Property or a Part V Heritage Property. (211-08)**
- (2) Notwithstanding subsection 11(1), where exterior doors, windows or other opening of vacant buildings or structures, partially vacant buildings or structures or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair the City may order the property owner to board up the building as an interim security measure so as to prevent the entrance of elements, or unauthorized persons, or the infestation of pests.**
- (3) The boarding as ordered under subsection (2) shall comply with the following requirements:**
 - (a) In the case of door and window openings, all boards used in the boarding shall be installed from the exterior and shall be properly fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding.**
 - (b) In the case of window openings, all boards used in (a) shall be painted in a manner to reflect the panes of glass, window frames and muntins that were or are found on the window that is being boarded over. The panes of glass shall be painted in matt black and the window frames and muntins shall be painted in a colour that matches that of the original window.**
 - (c) In the case of door openings, all boards used in (a) shall be painted in a manner that reflects any glass panes, frame and muntins that were or are found on the door that is being boarded over. The panes of glass shall be painted in matt black and the frames, muntins and remainder of the board shall be painted in a colour which matches that of the original door.**

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- (d) All boards not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
- (e) Doors, windows and other openings at the basement, ground floor and first level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal at least 19 millimetres (3/4 inch) thick.
- (f) Doors, windows and other openings above the first floor level of the building shall be securely boarded up with a solid piece of exterior grade plywood or metal plate at least 19 millimetres (3/4 inch) thick.
- (g) All plywood used for the boarding must be secured with nails and screws at least 50 millimetres (2 inches) and spaced not more than 150 millimetres (6 inches) on centre.
- (h) An exterior lighting fixture shall be installed and/or maintained in the front porch, veranda or area adjacent to the front entrance of the building or structure and must be kept on a timer so that the light will be turned on at 6:00 p.m. and turned off at 11:00 p.m. on each day of the week and shall maintain an average level of illumination of at least (50) lux (4.6 foot candles).”

15. GRAFFITI

All property, including but not limited to, buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

16. INTERIOR HALLWAYS, STAIRWELLS, AND FLOORS

The interior stairs, stairways, stairwells, hallways, landings and floors of every part of a building or structure shall be in a safe and clean and sanitary condition, shall be properly painted or otherwise treated, and;(162-03)

- (1) excessively worn, broken, warped or loose boards, floors and floor coverings must be replaced or repaired in a good workmanlike manner;
- (2) handrails must be securely installed and maintained around any open area;
- (3) all interior doors, doorframes and required hardware must be provided and maintained in good condition and properly functioning and closing.

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17. MAIL COLLECTION AREAS

All mail collection areas, including mail boxes, where supplied in any building, shall be maintained in good repair.

18. LIGHTING

- (1) Lighting fixtures shall be installed and maintained in all areas inside and outside every building or structure or part thereof so that work, use or occupation normally carried out in such areas can be undertaken safely.
- (2) All fixtures and all connections thereto shall be kept in a safe working condition.
- (3) Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a dwelling unit.

19. INTERIOR CEILINGS AND WALLS

- (1) The interior ceilings and walls of every building and structure shall be maintained in a safe and sound condition and in a good state of repair. (155-13)
- (2) All paint, or other wall covering, which is stained or deteriorated shall be repainted and repaired, missing or loose ceiling or wall tiles shall be repaired or replaced.
- (3) Repairs made to interior walls and ceilings shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

20. REFUSE STORAGE ROOMS AND VERTICAL REFUSE SERVICE SPACES MAINTENANCE

All refuse storage rooms, vertical refuse service spaces and refuse containers shall be operable, accessible at reasonable times and maintained in a clean and sanitary condition free from accumulations of garbage, odours, insects, and other pests. (162-03)

21. LAUNDRY ROOMS, STORAGE ROOMS, RECREATION ROOMS AND CHILDREN'S PLAY AREAS CONTAINED WITHIN MULTIPLE OCCUPANCY RESIDENTIAL BUILDINGS AS COMMON AREAS

- (1) Laundry and recreational equipment contained within multiple occupancy residential buildings shall be maintained in a safe working state of repair.

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- (2) All rooms used for storage, laundry or recreational purposes shall be kept clean and free from health, fire and accident hazards.
- (3) Every area of a property set aside as a children's play area shall be kept in a clean, safe and operable condition including all equipment placed therein.

22. CHIMNEYS

Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:

- (1) installed and maintained so as to prevent the escape of smoke or gases into the building;
- (2) clear of obstructions;
- (3) free from open joints;
- (4) free from broken and loose masonry;
- (5) in good repair, securely anchored and plumb.

23. SWIMMING POOLS

- (1) All swimming pools, wading pools and artificial ponds, and any accessory or parts thereof shall be maintained in good repair free from leaks, mechanical or structural disrepair, or any other defects, accumulations of stagnant water, and free from any safety or health hazard. (162-03)
- (2) All swimming pools, wading pools and artificial ponds, and any accessories or parts thereof which are not utilized or operated within a reasonable timeframe, shall be removed, or fitted with a suitable cover so as to prevent a visual blight, the entrance of elements, and/or the infestation of pests or insects. (162-03, 155-13)

24. LANDSCAPING

Whenever landscaping, parking area, walkways, steps, hedges, trees, fences, curbs, or similar changes to property have been required by the City as a condition of development or redevelopment and are listed on the most current Site Plan filed with and approved by the City, such works shall be undertaken and maintained so as to ensure continuous compliance with the City requirements. (162-03, 76-06, 155-13)

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25. FENCES (162-03)

- (1) All fences shall be erected and maintained so that they:
 - (a) do not cause or create an unsightly appearance**
 - (b) are structurally sound; and**
 - (c) any painted surface of the fence is maintained free of peeling paint. (155-13)****

- (2) For the purpose of this section, the term “good state of repair” means that:
 - (a) the fence is completely built, standing in a vertical position, and is securely anchored;**
 - (b) the fence is free of components that are broken, rusted, rotted, or otherwise in disrepair; and**
 - (c) are in a condition free of safety hazards and in a state of good repair. (46-17)****

- (3) Fences shall not be used as a support for any structure, object or thing, that is capable of or is causing force to be exerted against or upon the fence.**

- (4) With the exception of noise attenuation walls, all fences shall be maintained in accordance with the height restrictions as set out in the City of Mississauga Fence By-law 397-78, as amended.**

25.1 NOISE ATTENUATION WALLS (348-07)

All noise attenuation walls shall;

- (1) be structurally sound;**
- (2) be maintained in a safe condition;**
- (3) be maintained in a good state of repair;**
- (4) not be used as a support for any structure, object or thing that could exert a lateral force against or upon the noise attenuation walls and;**
- (5) be uniform in appearance in relation to those sections of the wall that are located on adjacent properties but form part of the same stretch of noise attenuation wall**

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26. TREES

- (1) All trees on a property shall be maintained in a manner that will eliminate a condition which is a source of danger.**
- (2) Where the dangerous condition cannot be eliminated by maintenance practices, the tree shall be removed.**

27. SATELLTE DISHES, TELEVISION AND RADIO ANTENNAE

Satellite dishes, television and radio antennae and other similar structures and their supporting members must be securely anchored and maintained in a safe and good condition and be in accordance with all applicable laws. (155-13)

28. LAND

All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents or health hazard, and more particularly:(162-03)

- (1) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land, but this does not apply where such articles are required and used for business purposes permitted under the City's land use by-laws and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring environment.**
- (2) Any part of a yard that is low lying or has been excavated so that it accumulates water, shall be drained, filled and graded so that water drains to a storm sewer or ditch. Swimming pools, ornamental pools and agricultural ponds shall not be included in this requirement.**
- (3) Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections.**
- (4) Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.**
- (5) All grassed and landscaped areas abutting buildings or structures or on vacant lots in developed residential areas shall be cut and maintained in a reasonable condition in relation to the neighbouring environment.**
- (6) All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.**

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- (7) Notwithstanding subsection (3) of this section, where speed bumps or speed humps have been installed, they shall be distinctively marked so as to be clearly visible to approaching pedestrian and vehicular traffic. (357-00)

29. HOARDING

All hoarding shall be maintained in a structurally secure manner, neatly painted or otherwise treated and kept free of signs and posters unless such signs and posters are authorized by the City.

30. SNOW REMOVAL

The following subsections apply to all private property containing multiple occupancy residential buildings, and all areas of commercial, industrial and institutional property that the general public has access to:

- (1) All ramps and access routes leading to garages shall be kept free from ice and snow.
- (2) Mechanical de-icing equipment for ramps and access routes, where provided, shall be maintained in a usable condition.
- (3) All walkways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times.
- (4) All exterior parking areas, including laneways, shall be kept free from accumulations of ice and snow at all times.

31. ACCESSORY BUILDINGS

Accessory buildings shall be kept:

- (1) protected by paint, preservative or other weather-resistant material;
- (2) in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (3) in good repair and free of accident hazards; and
- (4) so as not to present an unsightly appearance.

32. SIGNS

Exterior signs on any land, building or structure that are unused or not cared for or discarded shall be removed from the property or shall be stored within a building on the property.

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33. HEATING VENTILATION AND MECHANICAL SYSTEMS (162-03)

- (1) All heating, ventilation and mechanical systems shall be provided, maintained and operated free of safety hazards.**
- (2) Any duct work that is part of a heating and/or ventilating system shall be kept in a clean and sanitary condition free of dust, mold, mildews, or any other health hazard.**

34. ELEVATING DEVICES

- (1) Elevators (where provided) and all its parts and components (including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans) shall be maintained in good repair. (155-13)**
- (2) Elevators shall comply with the *Technical Standards and Safety Act, 2000* and its regulations as enforce by the Technical Standards and Safety Authority. (155-13)**

35. PARKING GARAGES

(1) Lighting

- (a) Lighting fixtures in all parking garages shall be maintained in good working condition.**
- (b) Every parking garage shall be illuminated by natural means where available, and adequate number of light fixtures, or the painting of walls, columns and ceilings white in colour, or any combination thereof, so to maintain an average level of illumination of at least fifty (50) lux (4.6 foot candles).**
- (c) One (1) measurement of intensity of illumination made at floor level for every nine (9) square metres (96.9 square feet) of floor area shall be used in establishing the average level of illumination.**
- (d) The level of illumination at any location on the floor of a parking garage shall not be less than 11 lux (1 foot candle).**

- (2) All ventilation systems within parking garages shall be maintained in good working order at all times.**

(3) Exits

- (a) All means of egress, including doors, in parking garages shall be maintained in good repair and free from all obstructions.**

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- (b) All exit signs shall be provided and maintained in good repair in accordance with the requirements of the Ontario Building Code and Fire Code and shall be unobstructed and readily visible.
- (4) All floor drains in such garages shall be in good working order and free from obstructions.
- (5) Every floor, wall, ceiling and stairwell of a parking garage shall be kept clean and free from debris, objects or other conditions that might create a hazard, obstruction or unsightly condition.
- (6) All parking garages shall be kept clear of any machinery, vehicles, boats, trailers or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition.

36. ELECTRICAL SYSTEMS

- (1) All buildings, where required by the Ontario Building Code or the Ontario Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.
- (2) The capacity of the connection to the building and system of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use and shall be maintained in good working order, free from fire and accident hazards, and in compliance with the Ontario Hydro Electrical Safety Code.

37. DRAINAGE AND PLUMBING SYSTEMS

- (1) Drainage and plumbing systems on the property shall be provided, installed and maintained in good working order and shall be:
 - (a) in compliance with the requirements of the Ontario Building Code, the Ontario Water Resources Act, R.S.O. 1990, c.O.40, as amended, and their respective Regulations, as amended from time to time; and
 - (b) free from leaks, defective or dripping taps and other defects.
- (2) Water run-off from roof surfaces shall discharge into an eaves trough or gutter and thence to a downpipe, discharging into a storm sewer and all eaves troughs and drainpipes shall be maintained:
 - (a) watertight and free from leaks; and
 - (b) in working order and free from health hazards.

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- (3) Downpipes need not be connected to a storm sewer when arranged to discharge water run-off at least three feet from the building and contained and directed within the property so as to prevent the flooding of neighbouring lands. (155-13)
- (4) Eaves troughs, gutters, downpipes and storm sewer connections are not required when the roof is designed to prevent water run-off causing deterioration to the building or creating a nuisance to persons on or adjacent to the property.

38. SEWAGE DISPOSAL

- (1) When a sanitary sewer is installed on a street or road, all sewage from the abutting property shall be discharged into the sanitary sewer.
- (2) When a sanitary sewer has not been installed on a street or road, all sewage from each abutting property shall be discharged into private sewage disposal systems on the subject property and each such system shall be approved by and maintained in accordance with the Ontario Building Code.

39. REFUSE DISPOSAL

- (1) Every multiple occupancy residential building having common access corridors to individual apartments shall be equipped with a garbage or refuse room accessible to all tenants on the floor in accordance to all applicable laws and all doors to these rooms shall not be equipped with locking devices. Every residential building that contains a garbage chute system shall ensure that the doors to the garbage chute on each floor are not locked, are self-closing and that the chutes are connected to a garbage room at or near grade level. (155-13)
- (2) In all other multiple occupancy residential buildings sufficient rooms or areas shall be provided with containers and/or receptacles to safely contain all garbage, rubbish, waste and other refuse and shall not be allowed to accumulate, but shall be removed or made available for removal in accordance with the applicable waste collection by-law. (155-13)
- (3) The facilities required by subsections 39 (1) and (2) shall be designed and installed in accordance with all applicable laws. (155-13)
- (4) In the event that strict application of subsections 39(1) and (2) are not practical, the Property Standards Officer may accept alternative measures, provided that the resultant standard is generally equivalent to the standard herein required, and that such alternative measures are in accordance with all applicable law. (155-13)

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- (5) All exterior refuse storage and collection areas, including containers and receptacles, shall be maintained in a safe, clean, sanitary, odour free and tidy condition.
- (6) All exterior refuse storage areas, including containers and receptacles, shall be screened from the view of adjacent residential properties where possible and the screening shall be maintained in good repair in accordance with all applicable laws. (155-13)

39.1 WASTE CONTAINERS

- (1) All Waste Containers shall: (64-16)
 - (a) be maintained in good condition without holes or spillage; and
 - (b) be closed to prevent the escape of offensive odour or waste.
- (2) All Waste Containers shall not be allowed to accumulate waste, recycling and organic materials for longer than 28 days. (64-16)

39.2 WASTE CONTAINER STORAGE

- (1) All Waste Containers when not placed out for collection in accordance with applicable City and Region of Peel by-laws, shall: (64-16)
 - (a) be located in the rear yard, side yard, garage or carport, where space can accommodate it, but shall not be located in a front yard; and
 - (b) be kept against a building, structure, fence or retaining wall and arranged in an orderly manner.
- (2) Except for *Waste Containers*, all other waste or recycling containers or receptacles, shall be screened from the view of adjacent residential properties where possible at all times and the screening shall be maintained in good repair in accordance with applicable by-laws.(65-16)
- (3) In the event that strict application of subsection 39.2(1) is not practical, the Property Standards Officer may accept alternative measures, which may include Waste Containers being placed in the front yard, provided that the resultant standard is generally equivalent to the standard herein required, and that such alternative measures are in accordance with all applicable by-laws. (64-16)

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40. COMPOST, PET FOOD AND ANIMAL FEED STORAGE

All compost, pet food and animal feed shall be stored and kept on a property in a reasonable manner so as not to allow offensive odours to effect the surrounding neighbourhood or attract rodents, vermin, pests, or other animals to the property. (89-04).

41. PEST PREVENTION (89-04, 155-13)

- (1) All dwelling units and the exterior portions of buildings shall be kept free of garbage and refuse at all times, and shall be kept free of the infestation of pests.
- (2) Methods used for pests removal and prevention shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990, c. P.11, as amended, and all regulations passed pursuant thereto.
- (3) The owner of a building shall take the appropriate steps to remove all pests infestations using a licensed pest control agency in accordance with all applicable laws.
- (4) The owner of a building that has used a pest control agency shall produce for the Property Standards Officer on demand, documented proof of steps taken to eliminate the violating pests.

42. HUMAN HABITATION

- (1) Non-habitable space shall not be used for human habitation.
- (2) The maximum number of persons residing in a dwelling unit shall not exceed one person for each nine square metres of habitable room floor area.
- (3) No portion of a dwelling unit shall be used for human habitation unless: (155-13)
 - (a) the floors, walls and ceilings and openings in the exterior walls or roof are watertight, free from dampness and reasonably free from drafts at all times;
 - (b) every portion of a building must be free of visible mould;
 - (c) when visible mould is present, an environmental report from a qualified consultant agency who is registered with the Province of Ontario may be required;

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- (d) **mould remediation will be completed in accordance with the environmental report and all applicable laws;**
 - (e) **every habitable room, except a kitchen, contains one or more windows or skylights that open directly to the outside air, and have a total light transmitting openable ventilating area of not less than that required by the Ontario Building Code;**
 - (f) **all windows and skylights are:**
 - (i) **glazed or fitted with an approved substitute;**
 - (ii) **provided with hardware and locking devices; and**
 - (iii) **maintained in good repair; and if required for ventilating purposes, capable of being easily opened and closed at all times; and**
 - (g) **a heating system is provided which is capable of maintaining adequate and suitable heat in accordance with all applicable laws.**
- (4) **Every habitable room shall have a minimum ceiling height in accordance with the Ontario Building Code.**
- (5) **Buildings used or to be used for human habitation shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Ontario Building Code.**
- (6) **Anything employed in providing water or any energy source serving light, heat, refrigeration or cooking facilities in a dwelling unit occupied by a tenant shall not be disconnected, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.**
- (7) **Where there is fuel burning equipment in any occupied dwelling unit not occupied by the owner and the owner is required by the lease or agreement providing for the occupancy to provide fuel, an adequate supply of fuel, in a convenient and safe location, shall be available at all times for the equipment.**
- (8) **Each kitchen in a dwelling unit shall be:**
 - (a) **equipped with a refrigerator and stove in good repair and in good working condition;**

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- (b) provided with cupboards having a capacity of not less than four cubic feet multiplied by the total number of persons occupying the unit; and
 - (c) all counter-tops, drawers and cupboards shall be maintained in good condition;
- (9) Interior and exterior barrier-free access facilities for persons with disabilities where installed or required by the Ontario Building Code or as a condition of development or redevelopment shall be maintained in a good state of repair, operational suitable and available for use by persons with disabilities.
- (10) Every occupant of a dwelling unit shall maintain the dwelling unit and all supplied facilities and equipment therein in a clean and sanitary condition and shall co-operate with the landlord in complying with the requirements of this by-law.

43. SECURITY

- (1) Doors which allow access to or egress from a dwelling unit shall be equipped with a lock that:
- (a) complies with the Ontario Building Code and Fire Code; and
 - (b) is maintained in good repair and in an operative condition.
- (2) Exterior security locking and release, and voice communication systems, when provided, shall be maintained in good repair and operative condition, and in compliance with the requirements of the Ontario Building Code.

44. EGRESS

Every means of egress from a dwelling unit, building or structure shall be safe and unobstructed and comply with the Ontario Building Code and Fire Code.

45. TOILET AND BATHROOM FACILITIES

- (1) Every dwelling unit, except as provided in subsection 45(2), shall contain plumbing fixtures consisting of at least:
- (a) a water closet;
 - (b) a sink; and
 - (c) a bathtub or shower.

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- (2) In a Lodging House there shall be a water closet, sink and bathtub or shower for every four persons or portion thereof, and the facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located. (155-13)
- (3) Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.
- (4) All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.
- (5) All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.

46. HOT AND COLD RUNNING WATER

Every dwelling unit shall be connected to and supplied with hot and cold running water of adequate water pressure and the hot water shall be at least 43 degrees Celsius measured at the tap with the water running for at least 30 seconds.

47. TELEPHONE WIRING

All internal wiring for telephone use within a dwelling unit shall be maintained in good working order.

48. PENALTY

An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under of Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in section 36 of that Act.

49. VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

49.1 COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

- (1) This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations. (155-13)

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- (2) If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.
(155-13)

50. TRANSITIONAL RULES

After the date of passing of this by-law, By-law 11-94, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the City, have been concluded.

51. REPEAL

Except for the purpose as set out in section 50 of this By-law, By-law 11-94 is hereby repealed.

ENACTED AND PASSED THIS 16th day of December 1998.

Signed by: Hazel McCallion, Mayor and Arthur Grannum, City Clerk