

Pursuant to the Municipal Government Act, 1998, c18, including Section 181, BE IT ENACTED by the Council of the Town of Yarmouth as follows:

- a. This Bylaw shall be known as “Bylaw No 14” and shall be cited as the “Minimum Housing Standards Bylaw”. It shall apply to all residential occupancies within the Town of Yarmouth.
- b. Where a provision of this Bylaw conflicts with the provision of another Bylaw enforced within the Town of Yarmouth, the provision that establishes the higher standards to protect health, safety and welfare of the general public shall prevail.
- c. In section 507, where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully causes work to be done pursuant to this Act, the cost of the work, with interest at the rate determined by the council, by policy, or by the village commission, by Bylaw, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done. 1998, c. 18, s. 507; 2001, c. 35, s. 27.

## **1.0 APPLICATION**

The tenant or occupant of a building shall not act in a manner that prohibits the owner of a building from adhering to the standards as provided in this Bylaw.

## **2.0 GENERAL DUTIES AND OBLIGATIONS**

- 2.1** The owner of a building shall maintain the building to the standards as provided in this Bylaw.
- 2.2** The owner of a building shall maintain the building to the standards to which it was required to be built.
- 2.3** This Bylaw shall apply to the owner, tenant, or occupant of every dwelling in the Town of Yarmouth and the owner of the land on which any dwelling is situated.
- 2.4** The standards of this Bylaw are minimum standards, and this Bylaw shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs, and alterations.

## **3.0 COMPLAINT**

Only complaints in writing and accompanied by a valid name and phone number will be acted on. Bylaw information and complaint forms may be obtained at the Town of Yarmouth Planning and

Economic Development Department office during regular office hours or anytime online from the Town of Yarmouth website.

#### **4.0 INSPECTIONS**

**4.1** Where an inspection is required or conducted pursuant to this Bylaw:

- a. The Town appointed Building Official will perform and document the inspection.
- b. The Building Official may enter in or upon land or premises without a warrant for the purposes of an inspection.
- c. Except in an emergency, the Building Official shall not enter a room or place being used as a dwelling unit without the consent of the occupier, unless entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four (24) hours in advance.
- d. The Building Official may, if there is doubt as to the safety of any material, equipment, device, or construction method of a land or building pursuant to this Bylaw, bring in an “expert” to assist in the inspection or require that sufficient proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, or construction meets the prescribed requirements.
- e. Where a person refuses to allow the Building Official to exercise, or attempts to interfere or interferes with the Official in the exercise of a power granted pursuant to this Bylaw, the Official may apply to a judge of the Supreme Court of Nova Scotia for an order,
  - i. To allow the Official entry to the building, and,
  - ii. Restraining a person from further interference.

#### **5.0 ORDERS**

If after an inspection, the Building Official is satisfied that in some respect the building does not conform to the standards prescribed in this Bylaw, the Official shall serve or cause to be served by mail to the owner, tenant or occupant of the property or by posting in a conspicuous place on the building an Order to Comply and shall at the same time provide all occupants and owner(s) of the building with a copy of the Order.

**5.1** Every Order to Comply shall contain:

- a. The standards to which the building does not comply; and
- b. The date after which the building will be subject to reinspection to ascertain compliance with the order.

The action that will be taken against the owner, tenant, or occupant, should the building not comply with the prescribed standards at the time of the reinspection.

**5.2** Where an Order has been served upon an owner, and the owner provides the Official with a

schedule outlining specific time frames within which the work specified in the Order will be completed, the Official may accept or amend the schedule at which time the schedule will be a part of the Order.

**5.3** Where an owner, tenant or occupant fails to comply with the requirements of an Order within the period set forth in the order, the Official may:

- a. Issue a summary offence ticket.
- b. Provide notice to discontinue the residential use on the property.
- c. Any costs incurred by the Town of Yarmouth to remedy a property pursuant to this Bylaw, shall become a lien on the property.

## **6.0 CHARGES**

Where an owner fails to comply with an Order made pursuant to Section 5.3 within the prescribed time frame provided by the Building Official, and where the Administration intends to carry out the work specified in the Order, the Administrator shall undertake to remedy the emergency repairs to a maximum of one thousand five hundred dollars (\$1500.00).

## **7.0 ENFORCEMENT**

Any person who uses a dwelling for residential use after an order under section 5.3.b has been given, is guilty of an offence punishable on summary conviction by a fine of not more than five thousand dollars (\$5,000) and to imprisonment of not more than three (3) months in default of payment thereof.

**7.1** Each day that a person uses a dwelling for residential use after a notice under section 5.3.b has been given constitutes a separate offence.

## **8.0 STANDARDS FOR YARDS AND ACCESSORY BUILDINGS**

### **8.1 Walks, Driveways, Steps**

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

### **8.2 Accessory Buildings**

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

### **8.3 Garbage Disposal**

- a. All garbage, rubble and other debris from a dwelling shall be properly stored in receptacles acceptable to the Town of Yarmouth.
- b. Property owners shall provide a garbage enclosure.

- c. The enclosure shall not be stored in a habitable room and shall be adequate to enclose one week's garbage of the number of people occupying the building.

## **9.0 STANDARDS FOR DWELLING AND DWELLING UNITS**

### **9.1 Structural Soundness**

Every part of the 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. Any materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

### **9.2 Dampness**

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

### **9.3 Foundations**

Foundations shall be of masonry, concrete or other acceptable material and designed to adequately support the loads imposed and provide a dry basement or crawlspace. They shall be free of cracks and leaks and defective mortar joints or masonry. Every basement, cellar, crawlspace, and similar space shall be adequately ventilated to the outside air and adequately drained.

### **9.4 Exterior Walls**

The exterior walls and their components shall be maintained so as to prevent **their** deterioration due to weather or insects and shall be so maintained by:

- a. Painting, restoring, or repairing of the walls or flashing;
- b. The waterproofing of joints and of the walls themselves.

### **9.5 Interior Walls and Ceilings**

Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other materials or defects which may increase the spread of fire. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire-resistant quality. Load bearing walls or columns shall be adequate to support the loads imposed upon them.

### **9.6 Roofs**

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

## **9.7 Floors**

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

## **9.8 Windows and Doors**

- a. All exterior openings for doors or windows shall be fitted with doors or windows.
- b. Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and all forms of precipitation into the dwelling.
- c. Doors, door frames, window frames, sashes, casings and weather-stripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired, or replaced.
- d. Broken glass and missing or defective door and window hardware shall be repaired or replaced.
- e. At least one entrance door in every dwelling unit shall have a locking device so as to be capable of being locked from both inside and outside the dwelling.

## **9.9 Porches, Stairs, Balconies**

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

## **9.10 Egress**

- a. Every dwelling and every dwelling unit within a dwelling shall have a safe, continuous, and unobstructed passage from the interior of the dwelling and the dwelling unit to the exterior.
- b. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an operable window or door operable from the inside without requiring keys or specialized knowledge.
- c. Any required means of egress shall not pass through a room in another dwelling unit or a service room.

## **9.11 Plumbing**

All plumbing, pipes and fixtures shall be in sound condition and with proper care, serviceable for the expected useful life of the building. All water pipes, at all times, shall be protected from freezing. The plumbing system shall provide a satisfactory hot and cold-water supply, drainage, and

venting and operating fixtures.

#### **9.12 Toilet, Kitchen and Sanitary Facilities**

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

#### **9.13 Sanitary and Toilet Rooms**

All sanitary and toilet rooms shall be located within and accessible from within the dwelling unit and shall be fully enclosed and have a lockable door to provide privacy; a hand basin shall be located in the same room as the water closet.

#### **9.14 Kitchens**

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

- a. All appliances supplied by the Landlord are to be maintained in the original working condition.

#### **9.15 Fireplaces, Fuel-burning Equipment, Chimneys, etc.**

- a. Every fuel-fired appliance intended for use as a central heating source shall meet the required CSA Standards.
- b. Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building. Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of the adjacent combustible material or structural members to unsafe temperatures. Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, flue, smoke pipe, vent pipe, or a similar duct.
- c. Every fireplace used, capable of being used, or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be effectively vented to the outside air by means of a chimney.
- d. All connections between liquid or gaseous fuel equipment in a dwelling and the source of the liquid or gaseous fuel, shall be maintained in good repair, and shall meet the requirements of all applicable standards.

#### **9.16 Heating System**

Every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of twenty (20°C) degrees Celsius throughout all occupied area without the use of

portable heating devices.

#### **9.17 Electrical**

- a. Every building to which this Bylaw applies shall be wired for electricity and shall be connected to an approved electrical supply.
- b. The electrical wiring, fixtures, switches, receptacles, and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Canadian Electrical Code.
- c. Every Bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control the fixture.
- d. Lighting fixtures and appliances installed throughout the building and dwellings, including stairways, corridors, passageways, garages, and basements, shall provide sufficient illumination so as to avoid health or accidental hazards during normal use.

#### **9.18 Natural Light and Ventilation**

All enclosed areas including basements, cellars, crawl spaces, and attics or roof spaces, shall be ventilated.

Every habitable room and sanitary and toilet rooms shall:

- a. Have a door, window, skylight, or translucent panel opening directly to an outside space capable of providing ventilation; or
- b. Where natural ventilation is not provided a means of mechanical ventilation shall be provided. All mechanical ventilation systems shall be maintained in good working order;
- c. All windows required by this Bylaw for purposes of ventilation shall be capable of being opened to an extent of at least thirty percent (30%) of the glass area required for such windows. Nothing in this clause, however, shall be deemed to require double windows or storm windows to be installed so as to permit them to be opened as herein provided, unless such ventilation is required by the Building Official.

#### **9.19 Smoke Alarm**

- a. Smoke alarms shall be installed in every building occupied as a residence.
- b. Smoke alarms shall be installed on the ceiling of every residence between each sleeping area and the remainder of the residence; where the sleeping area is served by a hallway, the smoke alarms shall be installed in the hallway.
- c. Smoke alarms installed in a residence shall be maintained at all times in an operating

condition.

- d. For the purposes of this Section, “smoke alarm” means a device for sensing the presence of visible or invisible particles produced by combustion and which:
  - i. Automatically initiates a signal indicating the presence of particles produced by combustion, and
  - ii. Bears a label or marking of approval of Underwriters Laboratories of Canada.
- e. It shall be an offence for the owner of a building occupied as a residence to fail to install smoke alarms in accordance with the provisions of this section.
- f. It shall be an offence for the occupier of a building, occupied as a residence, to fail to maintain smoke alarms in accordance with the provisions of this section.

#### **9.20 Carbon Monoxide Alarms**

- a. Carbon Monoxide alarms shall be installed in every building occupied as a residence and that also contains:
  - i. A fuel-burning appliance, or
  - ii. A storage garage.
- b. Carbon Monoxide alarms shall be mechanically fixed at the height recommended by the manufacturer and conform to CAN/CSA-6.19, “Residential Carbon Monoxide Alarming Devices”.
- c. Carbon Monoxide alarms installed in a residence shall be maintained at all times in an operating condition.

### **10.0 GENERAL**

#### **10.1 Shared Facilities**

Where a building contains more than one (1) dwelling unit and heating, storage, refuse disposal and other facilities are shared, renovations, alterations and repairs shall satisfy the requirements of the Town of Yarmouth Building Bylaw.

#### **10.2 Fire Protection**

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

## 11.0 DEFINITIONS

In this Bylaw:

- a. "Accessory building" means a detached subordinate building on the same lot as the main building.
- b. "Building" means a building, or that portion of a building, containing one or more dwelling units.
- c. "Building Official" means the officer appointed by the Town of Yarmouth to enforce this Bylaw.
- d. "Council" means the Town Council of the Town of Yarmouth.
- e. "Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- f. "Exclusive possession" means the occupancy of a dwelling by other than the owner by notice of a written lease or by notice of the consent of the owner.
- g. "Habitable Room" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes.
- h. "Multiple Dwelling" means a building containing three or more dwelling units.
- i. "Non-Habitable Room" means an area of a building other than a habitable room in a dwelling or dwelling unit and includes but not limited to the following:
  - i. Bathroom or shower room;
  - ii. Toilet room;
  - iii. Laundry room;
  - iv. Boiler or furnace room;
  - v. A pantry;
  - vi. A closet;
  - vii. Corridor or hall;
  - viii. Foyer;
  - ix. Stairway;
  - x. Lobby; and,
  - xi. Recreation room used as a common room for all tenants in a building, or other space used for access, service, or maintenance of the dwelling.
- j. "Occupant" means any person in possession of the property.
- k. "Owner" includes the person for the time being managing the lands or premises in connection whether on their own account or as agent or trustee of another person or who would so receive rent if such land and premises were let and shall include lessee or occupant of the property who under the terms of the lease is required to repair and

maintain the property in accordance with the standards for maintenance and usage of the property.

- l. "Property" means any building or structure or part of the building or structure that includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings and erections therein whether heretofore or hereafter erected and includes vacant property.
- m. "Repair" includes the provision of such facilities and making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this Bylaw.
- n. "Sanitary Room" means a room containing a bathtub or shower with or without a water closet and basin.
- o. "Sewage System" means sanitary sewage system or storm water sewage system suitable to the Town of Yarmouth.
- p. "Shared" means land other than publicly owned land around and appurtenant to the whole or any part of the building and used or intended to be used or capable of being used in connection with the building.
- q. "Standards" means the standards prescribed in this Bylaw.
- r. "Toilet Room" means a room containing a water closet and a wash basin.
- s. "Town" shall mean the Town of Yarmouth, Nova Scotia.
- t. "Yard" means an unoccupied space on the same lot with a building, extending along the entire length of the street or rear or interior lot line.

**Clerk's Annotation for Official Bylaw Book**

Date of Adoption: May 18<sup>th</sup>, 1983

Date of Approval of Amended Bylaw: October 22<sup>nd</sup>, 1984

Date of Approval of Amended Bylaw: October 4<sup>th</sup>, 1995

Date of Approval of Amended Bylaw: May 14<sup>th</sup>, 2015

Date of Approval of Amended Bylaw: June 10<sup>th</sup>, 2021

Date of Approval of Amended Bylaw: November 16<sup>th</sup>, 2023

I certify that this 'Minimum Housing Standards Bylaw' was adopted by Council as indicated above.

Town Clerk:

Date:

**Amended**

Date of First Reading	October 12 <sup>th</sup> , 2023
Notice of Intent to Consider	November 1 <sup>st</sup> & 8 <sup>th</sup> , 2023
Date of Second Reading	November 16 <sup>th</sup> , 2023
Date of Publication	November 29 <sup>th</sup> , 2023

# Minimum Housing Inspection Checklist

Property Address: \_\_\_\_\_

Date: \_\_\_\_\_

Reason for Inspection: \_\_\_\_\_

Number of Occupants: \_\_\_\_\_

Type of Dwelling:  Single  Duplex  Boarding  
 Apartments (Number of Units): \_\_\_\_\_

Walks, Driveways, Steps:  Blocked or Obstructed  Poorly Maintained  
 Notes \_\_\_\_\_

Accessory Buildings:  Health Hazard  Fire Hazard  Accident Hazard  
 Notes \_\_\_\_\_

Garbage Disposal:  No Enclosure or Receptacle  
 Stored in Habitable Room  
 Excess – Week of Garbage  
 Notes \_\_\_\_\_

Structural Soundness:  Unable to Support Weight  
 Load Damaged  
 Rot  
 Deterioration  
 Notes \_\_\_\_\_

Area of Concern:  
 Foundation  
 Stairs / Deck  
 Roof  
 Floor

Dampness:  Evidence of Moisture  
 Notes \_\_\_\_\_

Foundations:  Unable to Support Weight  Crack and Leaks  
 Defective Mortar Joints  Poor Ventilation  
 Notes \_\_\_\_\_

Exterior Wall:  Peeling Paint  Water Damage  
 Notes \_\_\_\_\_

Roof:  Unable to Support Load  Evidence of Water Leak  
 Other \_\_\_\_\_

Floors:  Poor Condition  
 Absorbent Flooring in Bathroom, Kitchen and/or Laundry Room  
 Notes \_\_\_\_\_

Windows and Doors:  Exterior Opening w/o Window or Door  
 Presence of Wind and Rain  
 Broken Glass / Missing Hardware  
 No Locking Device  
 Notes \_\_\_\_\_

Porches and Stairs:  Safety Hazard  
 Notes \_\_\_\_\_

Egress:  Obstructed passage  
 Fire Escape in Poor Condition  
 Egress Passes Through Other Dwelling Unit  
 Notes \_\_\_\_\_

Plumbing:  Poor Condition  Evidence of Freezing  
 Lack of Hot / Cold Water  Poor Drainage / Venting  
 Notes \_\_\_\_\_

Sanitary and Toilet:  Not located Inside the Dwelling  Missing or Not Connected:  
 Not Enclosed  Water Closet  
 No Lock  Wash Basin  
 Bathtub / Shower  
 Notes \_\_\_\_\_

Kitchen:  No Area to Work  Missing or Not Connected:  
 No Food Storage  Sink  
 Fridge  
 Stove

Source of Heat:  Electric  Heat Pump  Furnace  
 Other \_\_\_\_\_

Fireplaces / Fuel \_\_\_\_\_ Does Not Meet CSA Standards  
Burning Equipment/ \_\_\_\_\_ Poor Condition  
Chimneys: \_\_\_\_\_ Poorly Ventilated  
\_\_\_\_\_ Not Capable or Maintaining 20°C  
\_\_\_\_\_ Notes \_\_\_\_\_

Electrical: \_\_\_\_\_ No Electricity  
\_\_\_\_\_ Fire / Electrical Shock Hazard  
\_\_\_\_\_ Does Not Conform with Canadian Electrical Code  
\_\_\_\_\_ Poor Illumination  
\_\_\_\_\_ Notes \_\_\_\_\_

Natural Light and \_\_\_\_\_ Poor Ventilation of Enclosed Spaces  
Ventilation: \_\_\_\_\_ Poor Ventilation of Habitable Rooms and Sanitary Facilities  
\_\_\_\_\_ Notes \_\_\_\_\_

Smoke Alarms: \_\_\_\_\_ No Smoke Alarms Installed  
\_\_\_\_\_ Smoke Alarms in Poor Condition  
\_\_\_\_\_ No Underwriters Laboratories of Canada Marking on Smoke Detectors  
\_\_\_\_\_ Notes \_\_\_\_\_

Carbon Monoxide: \_\_\_\_\_ No Carbon Monoxide Detectors Installed  
\_\_\_\_\_ Carbon Monoxide Detectors in Poor Condition  
\_\_\_\_\_ No Underwriters Laboratories of Canada Marking on Carbon Monoxide  
Detectors  
\_\_\_\_\_ Notes \_\_\_\_\_

Other Notes / Details from the Inspection:  
\_\_\_\_\_  
\_\_\_\_\_  
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