



BY-LAW NO. 1999-030

**“BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR
THE MAINTENANCE AND OCCUPANCY OF PROPERTY
WITHIN THE CITY OF OWEN SOUND”**

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Consolidated Version
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Consolidated for Convenience Only

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BY-LAW NO. 1999-030

THE CORPORATION OF THE CITY OF OWEN SOUND

**BEING A BY-LAW FOR PRESCRIBING STANDARDS
FOR THE MAINTENANCE AND OCCUPANCY OF
PROPERTY WITHIN THE CITY OF OWEN SOUND**

WHEREAS under Section 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 Owen Sound includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the City of Owen Sound is desirous of passing a By-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a By-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS THE FOLLOWING:

PART 1 - INTERPRETATION AND ADMINISTRATION

SECTION 1.1 - SHORT TITLE

1.1.1 This By-law may be cited as the City of Owen Sound Property Standards By-law.

SECTION 1.2 - DEFINITIONS

In this By-law:

"Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.

"Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

"Approved" means acceptance by the Property Standards Officer.

"Basement" means that portion of a building that is partly below grade, but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

"Bathroom" means a room containing a bathtub or shower with or without toilet and basin.

"Cellar" means that portion of a building that is partly or wholly below grade and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

"City" means The Corporation of the City of Owen Sound.

"Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

"Fence" means a structure at grade erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting access to or from an open space.

"Fire Escape" means an exit or a secondary means of exit from a building.

"First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more the 1.8 metres above grade.

"Garbage" means the animal and vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.

"Good Repair" means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement.

"Habitable Room" means any room in a dwelling unit used for or capable of being used for living, eating, sleeping or cooking purposes.

"Medical Officer of Health" means the Medical Officer of Health for the Bruce-Grey-Owen Sound Health Unit.

"Multiple Dwelling" means a building or combination of buildings containing two or more dwelling units, or three or more rooming units, or a combination of rooming and dwelling units totalling three or more, and which building or buildings are located on the same lot and which lot is retained under one ownership, and shall include a lot registered under the provisions of the Condominium Act, Chapter C.26, R.S.O. 1990, as amended from time to time.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to a vertical travel between storeys and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premise appurtenant and all of the outbuildings, fences or erections thereon or therein.

"Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.

"Person" means an individual, firm, corporation, association, or partnership.

"Residential Property" means any property upon which a building has been erected containing within its walls one or more dwelling units or rooming units and which may in addition contain other accessory uses, and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion or which has been used, is used, or is capable of being used for the purpose of human habitation.

"Rooming Unit" means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to one or more persons for gain.

"Rubbish" means any combustible or non-combustible discarded or waste materials except garbage and shall include debris and other refuse.

"Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-law.

"Structurally Sound" means construction capable of withstanding the forces acting thereon when the building or structure is loaded in accordance with the provisions of the Building Code and having a factor of safety equivalent to that required by the Building Code.

"Toilet Room" means a room containing a water closet and a wash basin.

"Vacant or Abandoned Building" means a building or structure that is not used or occupied in a continuous or ongoing manner for the purpose or purposes for which the building or structure is suitably designed and/or intended.

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

"Yard" means the lands, other than public highways around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.

- 1.2.1 Where terms are not defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION 1.3 - APPLICATION

- 1.3.1 This By-law shall apply to all property within the corporate limits of the City of Owen Sound under the authority of the City's Official Plan.

- 1.3.2 The standards for the maintenance and occupancy of property set forth in this By-law are hereby prescribed and adopted as the minimum standards for the City of Owen Sound.

Amended by By-laws 2009-054 and 2018-044

- 1.3.3 *Notwithstanding the provisions of this By-law, the Property Standards Officers will, if required be a Resolution of Council adopted from time to time, conduct a preliminary inspection of properties in the City, which preliminary inspection will be carried out pursuant to the provisions of this By-law at any property where the Officer views conditions that appear to the Officer to contravene this By-law.*

- 1.3.4 *The preliminary inspection shall include the matters set out on Schedule 'A' under the heading "Observations of the Property Shall Include the Following...'*

- 1.3.5 *The Officer shall not, without the consent of the Owner or Occupant of the property, enter onto the said property to carry out the preliminary inspection, carried out pursuant to this By-law.*

- 1.3.6 *Following the preliminary inspection of any property pursuant to subsection 1.3.3 hereof, the Officer may, in writing, notify the Owner or Occupant of the property of any work required to be carried out thereon in order that the said property will conform with the requirements in By-law 1999-030 insofar as the same are apparent to the Officer conducting the preliminary inspection.*

- 1.3.7 *City Council will by Resolution, determine, or authorize its delegate to determine, the areas of the City where Preliminary Inspections will be carried out.*

SECTION 1.4 - PROPERTY STANDARDS OFFICER

Amended by By-law 2008-128

- 1.4.1 *Property Standards Officers for the Corporation of the City of Owen Sound hereafter referred to as 'the Officer' shall be appointed by By-law adopted by City Council.*

SECTION 1.5 - PROPERTY STANDARDS COMMITTEE

- 1.5.1 The Committee of Adjustment for the City of Owen Sound shall serve as the Property Standards Committee.
- 1.5.2 An officer who finds that a property does not conform with any standards prescribed in this by-law may make an order,
- (a) stating the municipal address or legal description of such property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition;

Amended by By-law 2008-050

- (c) *indicating the time for complying with the terms and conditions of the order and giving notice that, if the repairs or clearance is not carried out within the time specified the municipality may carry out the repair of clearance at the owner's expense.*
- (d) *indicating the final date for giving notice of appeal from the order.*

Amended by By-laws 2013-030 and 2018-044

- 1.5.3 *Every person wishing to appeal an Order made under section 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 section 15.3 (1) of the same act. All notices of appeal shall be filled out on the prescribed form and accompanied by a non-refundable payment of the "Appeal – Property Standards Order" fee as set out in the Fees and Charges By-law.*

SECTION 1.6 - TRANSITIONAL RULES

- 1.6.1 After the date of the passing this By-law, By-law 1994-061, as amended, shall apply only to those properties in 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 any demolition, clearance or repair carried out by the city have been concluded.

SECTION 1.7 - CERTIFICATE OF COMPLIANCE

Amended by By-laws 2013-030 and 2018-044

- 1.7.1 *Following the inspection of a property, the Officer may, or on the request of the owner shall issue to the owner a Certificate of Compliance in the prescribed form if, in the Officer's opinion, the property is in compliance with the standards of this By-law. When the owner requests a Certificate of Compliance, the owner shall pay to the City the "Certificate of Compliance" fee as set out in the Fees and Charges By-law, which shall be collected by the Officer at the time of the issuance of such certificate.*

SECTION 1.8 - MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

- 1.8.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any residential property which does not comply with the provisions and regulations set forth in Part 2 and Part 3 of this By-law and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 3 of this By-law or the site thereof shall be cleared of all buildings, structures, garbage and rubbish, and left in a graded and levelled condition.

SECTION 1.9 - MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL AND VACANT PROPERTY

- 1.9.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any non-residential or vacant property which does not comply with the provisions and regulations set forth in Part 2 and Part 4 of this By-law and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 4 of this By-law, or the site thereof shall be cleared of all buildings, structures, garbage and rubbish and left in a graded and levelled condition.

SECTION 1.10 - REMOVAL OF PLACARD

- 1.10.1 No person shall remove from any property any sign, notice or placard placed thereon pursuant to Section 15.2(3) of the Ontario Building Code Act, S.O. 1992, c.23.

SECTION 1.11 - PENALTIES AND ENFORCEMENT

- 1.11.1 An owner or corporation who fails to comply with an Order that is deemed to be confirmed is guilty of an offence pursuant to the penalty provisions of the *Building Code Act*, S.O. 1992, c.23.

SECTION 1.12 - VALIDITY

- 1.12.1 If any section of this By-law, or any amendments thereto, is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 1.12.2 Where provisions of this By-law conflict with the provisions of another By-law in force in the City, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 1.13 - INTERCHANGEABILITY

- 1.13.1 Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

SECTION 1.14 - HEADINGS NOT PART OF BY-LAW

- 1.14.1 The headings in the body of this By-law form no part of the By-law and are inserted for convenience of reference only.

SECTION 1.15 – ADMINISTRATION FEE

Amended by By-laws 2008-050, 2009-023, 2011-116 and 2013-030

- 1.15.1 *Supervision of the clearing of yards when the work required under an order has not been done shall be billed to the property owner as set out in the Fees and Charges By-law, as amended from time to time, under the heading "Property Clean Up" for each staff person required on site with a minimum two hour charge.*

By-law 2011-116

- 1.15.2 *A Property sub-search fee will be added to the municipal tax roll of any property that a sub-search is obtained by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.15.3 *A Work Order fee will be added to the municipal tax roll of any property that has a Work Order issued by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.16 *All fees and charges shall be recoverable in a like manner as taxes.*

PART 2 - MAINTENANCE, REPAIR AND OCCUPANCY OF ALL PROPERTY**SECTION 2.1 - GENERAL****SECTION 2.1.1 - SCOPE**

- 2.1.1.1 The provisions of Part 2 of this By-law are applicable to all property subject to this By-law.

SECTION 2.2 - LANDS AND OPEN SPACES**SECTION 2.2.1 - YARDS**

- 2.2.1.1 All yards, including vacant property, shall be maintained in a good condition and shall be:
- a) kept free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable, clean receptacles for removal;
 - b) kept free from noxious weeds at all times and, beginning June 1 of each year, kept free from growth of other weeds and grasses greater than .15 metres in height;
 - c) kept free of all vermin and injurious insects, and any condition, which might result in the harbouring of such pests;
 - d) maintained free from dangerous holes or excavations;
 - e) protected by suitable ground cover which prevents erosion of the soil, excluding areas used in connection with an active agricultural or gardening operation;
 - f) graded so as to be maintainable.
- 2.2.1.2 All trees in any yard or on vacant property shall be kept pruned so as to be free from dead or dying branches, the collapse of which would be capable of causing injury or damage. All dead trees and shrubs shall be promptly removed from any yard or vacant property.
- 2.2.1.3 All hedges and ornamental shrubs in any yard or on vacant property shall be pruned and trimmed so as not to present an unsightly appearance or to extend beyond the limits of the property in such a way as to interfere with the reasonable use of adjoining property and so as not to obstruct windows, doors, drains, sidewalks, vents, or exits or entrances to property.
- 2.2.1.4 All sodded and grass covered areas on any property shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance.
- 2.2.1.5 Subject to the provisions of Section 4.2.4.1 of this By-law, no machinery, vehicle, or other chattels including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in any yard or on vacant property.
- 2.2.1.6 No machinery, vehicle, other material or other object or condition not associated with the normal occupancy and use of the property, including among other things appliances, fixtures, indoor furniture, paper, cartons, boxes or building materials such as lumber, masonry units or glass other than that intended for immediate use on the property shall be stored or allowed to remain in any yard or on vacant property.
- 2.2.1.7 Unused refrigerators or freezers shall not be stored in any yard or on vacant property, but where kept temporarily in a yard awaiting removal, the doors to the same must be securely locked or the hinges of the refrigerator or freezer door removed.

- 2.2.1.8 Where refrigerators or freezers are used outside, the doors and/or lids to the same shall be locked to prevent small children from gaining access to them.
- 2.2.1.9 All wells located on any property shall be capped with a structurally secure material such as concrete which can not be readily removed, and which shall be maintained in good repair.
- 2.2.1.10 The occupant of a residential property may provide for compost heap(s) provided that the compost heap is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or a forty-five gallon container, a metal or wooden frame building with a concrete floor, or a commercial enclosed container designed for composting. Compost heaps shall not emit odour(s) that are detectable on any adjoining property.

SECTION 2.2.2 - DRAINAGE

- 2.2.2.1 All yards, including vacant property, shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of stormwater thereon, or the drainage of such water into any basement or cellar, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided however, that the grade level of such lands shall not be altered so as to either impede the natural flow of water through such property from any adjoining property, nor as to cause the drainage of stormwater onto any adjacent property, unless such alteration is in accordance with a grading plan approved by the City.
- 2.2.2.2 Stormwater run-off from all downspouts or impervious surfaces, and the drainage of water from all swimming pools, shall be contained within the limits of the property from which it originated until absorbed by the soil or drained to a storm sewer or to a naturally created swale or watercourse or to an artificially created ditch or watercourse that has been approved or constructed by the City. Such drainage shall be extended to take the stormwater run-off from all roof and other artificially created impervious surfaces except that the aforementioned extension may be omitted if appropriate measures are taken to ensure that such stormwater run-off is self-contained on the property as heretofore described, and further, that said stormwater will not collect thereon in such a manner as to endanger or create nuisance to persons on or adjacent to the property.

SECTION 2.2.3 - WASTE WATER

- 2.2.3.1 Sewage and water from waste pipes shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise. All sewage and wastewater shall be discharged into the City's sewerage system or a private sewage disposal system approved by the Medical Officer of Health.

SECTION 2.3 - GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

SECTION 2.3.1 - SAFETY SYSTEMS AND SUPPORT FACILITIES

- 2.3.1.1 All sprinkler systems, fire hoses, smoke detectors, fire extinguishers, fire alarm systems and apparatus, exit signs and other equipment or facilities installed in a building to provide protection from fire or other disaster shall be maintained in good repair.

Amended by By-law 2008-050

- 2.3.1.2 All elevators and elevating devices, hoists, lifts, and moving walkways and stairs shall be maintained in good repair. ~~in accordance with applicable Acts of the Province of Ontario.~~

SECTION 2.3.2 - UNSAFE BUILDINGS AND STRUCTURES

- 2.3.2.1 Any material forming part of the supporting structure of a building or other structure, other than a farm-related accessory building or structure, which shows evidence of decay or other deterioration shall be repaired.
- 2.3.2.2 Where any building or other structure has been damaged by fire, explosion, or by any other natural or unnatural force;
- a) any remaining portion of the building or structure shall be promptly removed or secured by bracing if there is a possibility of collapse;
 - b) temporary fencing shall be installed to secure the property to prevent incidental entry by unauthorised persons; and
 - c) all damaged materials shall be immediately removed from the property, or temporarily placed within a building which shall be secured to prevent entry by unauthorised persons.

Amended by By-law No. 2024-52

- 2.3.2.3 *All vacant and abandoned buildings shall be secured against unauthorized entry, and shall be maintained in a secured state with the yards maintained in accordance with section 2.2 of this By-law.*
- 2.3.2.3.1 *For the purposes of section 2.3.2.3, windows, doors, hatchways, skylights and other exterior openings through which entry may be obtained into a vacant building are required to be:*
- a. maintained so as to properly perform their intended function and closed and secured from unauthorized entry; or*
 - b. entry shall be prevented by closing and securing an opening with any of the following materials that are weather resistant, completely cover the opening, and are securely fastened to the vacant building:*
 - i. wood sheathing of at least 12.7 millimetres plywood (or equivalent product);*
 - ii. metal sheathing;*
 - iii. brick or concrete block and mortar; or*
 - iv. any other material approved by a Property Standards Officer.*
- 2.3.2.4 All collapsed or dilapidated buildings or structures, including buildings and structures severely damaged by fire, explosion, or by any other natural or unnatural force, shall be removed from the property.

SECTION 2.3.3 - SERVICES TO A VACANT BUILDING

- 2.3.3.1 Where a building remains unoccupied or vacant for a period of time exceeding ninety (90) days, all utilities servicing the building except those necessary for the safety or security of the building shall be properly disconnected or otherwise secured, to prevent accidental damage to the building or adjacent properties.

SECTION 2.3.4 - ACCESSORY BUILDINGS AND STRUCTURES

- 2.3.4.1 All garages, carports, sheds, fences, radio and television towers, artificial lighting standards, swimming pools, signs, awnings, retaining walls, flagpoles, and other accessory buildings and structures shall be kept in good repair.
- 2.3.4.2 All fences and other accessory structures shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.
- 2.3.4.3 All outdoor children's play areas and fixed playground equipment shall be maintained in good repair.

SECTION 2.4 - EXTERIOR MAINTENANCE OF BUILDINGS**SECTION 2.4.1 - EXTERIOR WALLS AND THEIR COMPONENTS**

- 2.4.1.1 The exterior walls of a building and their components shall be maintained so as to be weather-tight, free from loose or unsecured materials and objects and in good repair.
- 2.4.1.2 The exterior walls of a building and their components shall be maintained so as to retard deterioration due to weather, insects, or other causes. Where necessary, exterior walls and their components shall be so maintained by the painting, restoring, recovering with weatherproof material, or repairing of coping or flashing, waterproofing of joints and of the wall itself and other components, installing or repairing of termite shields, treating the soil with chemicals or using other suitable means.
- 2.4.1.3 Appropriate measures shall be taken to remove any objectionable markings, stains or other defacements occurring on the exposed finished exterior surfaces of any structure, and where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the marking, staining, or defacement occurred.
- 2.4.1.4. Exterior surfaces of a building shall be kept clean.
- 2.4.1.5 The exterior façade of all buildings shall be kept in good repair and shall be maintained so as to be free of loose or deteriorated paint and or material that would be detrimental to the aesthetic appearance of the building. The windows in any vacant building shall be maintained and be free of missing and or broken glass or the openings be covered so as not to present an unsightly appearance.

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

- 2.4.2.1 A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material.
- 2.4.2.2 A roof of a building shall be free from loose or unsecured or unsafe objects and materials.
- 2.4.2.3 All radio and television aerials, lightning arrestors, air conditioning units, stacks, pipes, vents and lighting or similar rooftop apparatus shall be maintained in good repair.

SECTION 2.4.3 - FOUNDATIONS

- 2.4.3.1 The foundation walls of a building or the foundation of any other structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance or safety of the building or structure, or the entrance of insects, rodents, or excessive moisture into the building or structure. Without limiting the generality of the foregoing, maintenance shall include the shoring or underpinning of the walls, installing subsoil drains at the footings, the grouting of masonry cracks, waterproofing of the walls and joints, and the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance or the safety of the building or structure.

SECTION 2.4.4 - EXTERIOR STAIRS, PORCHES, VERANDAS, AND BALCONIES

- 2.4.4.1 All exterior stairs, balconies, verandas, porches and every other similar outside appurtenance of a building shall be maintained in good repair.

- 2.4.4.2 All balustrades, handrails and supporting structures to exterior stairs, balconies, verandas, porches, and every other outside appurtenance of a building shall be adequate to safely support persons using the same, and the spindles shall be so placed as to meet the provisions of the Building Code.
- 2.4.4.3 Where any exterior stairs, balcony, veranda, porch, or other similar outside appurtenance of a building is replaced, the same shall be constructed in compliance with the regulations contained within the Building Code.

SECTION 2.4.5 - WINDOWS AND EXTERIOR DOORS

- 2.4.5.1 Windows, skylights exterior doors and basement or cellar hatchways of a building shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative where required.
- 2.4.5.2 All openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building.
- 2.4.5.3 Rotted or damaged doors, door frames, window frames, sashes and casings and defective door and window hardware and broken window glass shall be repaired or replaced.
- 2.4.5.4 Basement or cellar windows used or required for ventilation and every other opening in a basement, cellar or crawlspace that might permit the entry of vermin or injurious insects shall be screened with wire mesh or other material that will effectively prevent vermin or injurious insects from entering the building.

SECTION 2.4.6 - EAVESTROUGHING

- 2.4.6.1 Where eavestroughing is provided on a building, every eavestrough, roof gutter and down pipe shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative.

SECTION 2.5 - INTERIOR MAINTENANCE OF BUILDINGS

SECTION 2.5.1 - WALLS, CEILING AND FLOORS

- 2.5.1.1 All walls, ceilings and floors, including columns, beams and other supporting structures shall be maintained in good repair and be capable of safely carrying out their intended function.
- 2.5.1.2 The surface of every wall and ceiling in a building shall be maintained in good repair.
- 2.5.1.3 Every floor in a building shall be maintained in good repair; further, floors in all bathrooms, toilet rooms, and kitchens shall be maintained so that the floors can be kept in a clean and sanitary condition.
- 2.5.1.4 The floors, ceilings and walls of every building shall be kept free from such dampness or moisture as may constitute a danger to health or safety, but this shall not apply to non-habitable rooms wholly or partly below adjacent grade.
- 2.5.1.5 Every floor, wall, ceiling and fixture attached thereto in a building shall be maintained in a sanitary condition.
- 2.5.1.6 Walls, floors and ceilings within common and public areas of a building shall be kept free of defacement.
- 2.5.1.7 All interior doors and their hardware shall be kept in good repair.

- 2.5.1.8 Walls around a bathtub or shower, which are susceptible to being wet, shall be maintained so as to be waterproof and readily cleaned.

SECTION 2.5.2 - FUEL BURNING APPLIANCES/EQUIPMENT, CHIMNEYS & VENTS

- 2.5.2.1 All fuel burning appliances, heating, cooking, and cooling equipment and appurtenances thereto located in or attached to a building shall be installed, maintained in good repair and properly vented in order to:
- a) operate in a manner as to not present a safety hazard to the building, its occupants, components or contents;
 - b) prevent the heating of the surrounding combustible and structural members above a safe temperature;
 - c) prevent the entrance of gases or fumes into the building;
 - d) have ample air supply to permit combustion.
- 2.5.2.2 All fuel shall be stored in a safe manner and where there are regulations, which deal with the storage of, said fuel, such regulations shall be complied with.
- 2.5.2.3 Every chimney, smoke pipe, flue and gas vent shall be maintained in good repair so as to prevent the leakage of gases or fumes into a building with all joints sealed and all broken or loose masonry repaired and kept free of obstructions so as to be in a safe and fire resistant condition.

SECTION 2.5.3 - WATER AND SEWAGE FACILITIES

- 2.5.3.1 Where sewage facilities are provided to a building, the same shall be kept in good repair at all times in order to adequately service such building. Where sewage facilities cease to be required for any building the same shall be closed off and all plumbing leading to the same capped in order to prevent leakage or the escape of odours or gases therefrom.
- 2.5.3.2 All plumbing, including every drain pipe, water pipe, toilet, and other plumbing fixtures in a building and every connecting line to the sewerage system or other approved disposal method shall be maintained in good repair.
- 2.5.3.3 All water pipes and appurtenances thereto shall be maintained in good repair and shall be protected from freezing.
- 2.5.3.4 Each plumbing fixture shall be connected to the sewerage system or other approved disposal method through a water seal trap. All unused plumbing, drains, and/or plumbing stacks shall be closed off to prevent gas or odour from entering the building.
- 2.5.3.5 Adequate running water shall be provided for every standard flush type toilet provided in a building.
- 2.5.3.6 Where a toilet is provided, a wash basin shall be provided in the same or an adjoining room.

SECTION 2.5.4 - HEATING SYSTEM

- 2.5.4.1 Where a heating system is provided in or for a building, the same shall be maintained in good repair, in accordance with recognised standards so as to be capable of heating the building safely.
- 2.5.4.2 Heating appliances shall not be placed so as to constitute a fire hazard, and shall be placed in accordance with the requirements of the Building Code.

- 2.5.4.3 For purposes of Sections 2.5.4.1 and 2.5.4.2 of this By-law, a portable heating unit or system shall not be considered a heating system or heating appliance.

SECTION 2.5.5 - ELECTRICAL SERVICE

- 2.5.5.1 When an electrical service is provided to a building, the same including all electrical fixtures, equipment and appliances located or used in the building shall be maintained in good repair.

Amended by By-law 2008-050

- 2.5.5.2 *Every electrical system within a building shall be maintained in good repair.*

- 2.5.5.3 The capacity of the electrical service connection to a building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use of the building.

SECTION 2.5.6 - VENTILATION

- 2.5.6.1 Every bathroom or toilet room within a building shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights providing a minimum aggregate unobstructed free flow area of .1 square metres, provided however that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the building, and which operates continuously or is activated by the light switch for the bathroom or toilet room, or by other approved means.
- 2.5.6.2 Where an aperture such as a window, skylight or louver is used for ventilation in a building, the aperture shall be maintained so as to be easily opened and closed, or kept open.
- 2.5.6.3 All systems of mechanical ventilation or air-conditioning in a building shall be maintained in good repair.

SECTION 2.5.7 - EGRESS AND FIRE ESCAPES

- 2.5.7.1 All safety equipment relative to exits and means of egress, such as doors, closures, co-ordinating devices, and astragals, smoke seals and pressurised vestibules, latching devices, hinges and the like, shall be maintained in good repair.
- 2.5.7.2 Stairways and landings shall be capable of supporting loads for which they are intended, and shall be maintained in good repair, and shall be kept clear and unobstructed.
- 2.5.7.3 Balustrades and handrails on the main means of egress and supporting structures shall be adequate to safely support persons using the facility. Stairs, guards and hand railings on the main means of egress shall be maintained in good repair and the spindles thereon shall be so placed so as to meet the provisions of the Building Code.
- 2.5.7.4 Fire escapes shall be installed in compliance with the Building Code and kept free of dangerous accumulations of snow and ice.

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

- 2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.
- 2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall

advise the Owen Sound Fire Department prior to commencement of the fumigation.

SECTION 2.6 - GARBAGE AND RUBBISH

SECTION 2.6.1 - REFUSE STORAGE AND REMOVAL

- 2.6.1.1 All garbage and rubbish shall be stored in a sanitary manner in containers of durable leak proof and non-absorbent material or plastic garbage bags that can be effectively closed.
- 2.6.1.2 Containers used to store or keep garbage or rubbish shall be cleaned as necessary to ensure public health and safety and to eliminate the potential of odours.
- 2.6.1.3 Garbage and rubbish shall not be permitted to accumulate and remain on any property to an extent or for a length of time so as to constitute a health or safety hazard. Garbage or rubbish stored on any property that emits an odour that is detectable within a dwelling on the same lot or within any yard on an adjoining property shall forthwith be removed.
- 2.6.1.4 Any container not located within an enclosed building which is used to store or keep putrescible garbage shall have lids or other coverings for all openings, which lids or other coverings shall remain closed at all times.

PART 3 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

SECTION 3.1 - GENERAL

SECTION 3.1.1 - SCOPE

- 3.1.1. The provisions of Part 3 of this By-law are special requirements that relate only to residential property and are in addition to the provisions of Part 2, which also apply to residential property.

SECTION 3.2 - MAINTENANCE OF RESIDENTIAL PROPERTY

SECTION 3.2.1 - FIRE SEPARATIONS

- 3.2.1.1 Where physically possible, where two dwelling units share one or more common walls or floors/ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be maintained, which shall include the installation of fire rated doors, frames and closures when required.

Amended by By-law 2008-050.

- 3.2.1.2 *Where three or more dwelling units share one or more common walls or floors/ ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be established and maintained.*

SECTION 3.2.2 - HEATING AND HEATING SYSTEMS

- 3.2.2.1 Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius at one (1) metre above floor level and one (1) metre and more from exterior walls in all habitable rooms, bathrooms, and toilet rooms when the temperature outside the dwelling is -21 degrees Celsius.

Amended by By-law 2008-050.

- 3.2.2.2 *Where a multiple dwelling contains a central heating system, the same shall be located in a separate service room having minimum fire separation from the remainder of the building.*

SECTION 3.2.3 - ELECTRICAL SERVICE AND LIGHTING

- 3.2.3.1 Every dwelling shall be serviced with a safe and adequate supply of electricity.

Amended by By-law 2008-050

- 3.2.3.2 *Every habitable room in a dwelling shall have a sufficient number of electrical outlets.*

- 3.2.3.3 *Every laundry area in a dwelling shall have a minimum of one (1) electrical duplex convenience outlet, which shall be maintained in good repair.*

- 3.2.3.4 Every bathroom, toilet room, kitchen, laundry area, furnace area, hall, stairway, basement, cellar, elevator, and non-habitable work area in a dwelling shall be provided with a permanent electrical light fixture that shall be maintained in good repair.

- 3.2.3.5 All common halls, vestibules, ramps, enclosed or underground automobile parking areas, interior and exterior points of ingress or egress in multiple dwellings shall be provided with an adequate degree of illumination at all times so as to ensure safe entry onto and use of said areas.

SECTION 3.2.4 - NATURAL LIGHT

- 3.2.4.1 Every habitable room within a dwelling, except a kitchen, bathroom, toilet room, storage room and den, shall have a window or windows, skylights, translucent panels, or glass area of an outside door that faces directly to the outside at least .15 metres above adjoining finished grade, or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to 5 percent of the floor area of the room.

SECTION 3.2.5 - VENTILATION

- 3.2.5.1 Every habitable room within a dwelling, except a living room or dining room, shall have an opening or openings for natural ventilation, located in the exterior walls or through openable parts of skylights, providing a minimum aggregated unobstructed free flow area of .2 square metres, provided however that an opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the total volume of air once each hour.
- 3.2.5.2 Every attic, basement, cellar and unheated crawl space in a dwelling shall be adequately vented to the outside. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than 1 percent of the floor area, and for an unheated crawl space, a number of louvers with an insect screen of corrosion-resistant material are provided.

SECTION 3.2.6 - KITCHEN FACILITIES

- 3.2.6.1 Every dwelling unit shall be provided with at least one (1) kitchen sink maintained in good repair and attached to an approved means of sewage disposal.
- 3.2.6.2 Every dwelling unit shall contain a kitchen area equipped with:
- a) at least one (1) sink served with hot and cold running water and space for a stove and a refrigerator.
 - b) suitable storage area of not less than 0.23 cubic metres,
 - c) a counter or work area at least 0.61 m in width by 1.22 m in length, exclusive of sink, and covered with a material that is impervious to moisture and grease and is easily cleanable.
- 3.2.6.3 When a stove and/or refrigerator are provided in a dwelling, such appliances shall be in good repair.

- 3.2.6.4 Every kitchen in a dwelling shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 3.2.6.5 Within a dwelling, there shall be at least .75 metres clear space above any exposed cooking surface.

SECTION 3.2.7 - TOILET AND BATHROOM FACILITIES

- 3.2.7.1 Except as otherwise provided in Section 3.2.7.4 of this By-law, every dwelling unit and rooming unit shall contain at minimum one (1) wash basin, one (1) bathtub or shower, and one (1) standard flush type toilet, attached to an approved means of sewage disposal.
- 3.2.7.2 In a multiple dwelling, every wash basin, bathtub or shower required by this By-law shall have an adequate supply of cold water and hot running water capable of being drawn from the tap at a temperature of minimum 49 degrees Celsius.
- 3.2.7.3 In a multiple dwelling, every bathtub, shower and toilet shall be fully enclosed within a room equipped with a door capable of being closed for privacy, and shall be separated from any room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes, and shall be located within the dwelling unit or rooming unit except as otherwise provided in Section 3.2.7.4 of this By-law.
- 3.2.7.4 The requirements of Sections 3.2.7.1 and 3.2.7.2 of this By-law shall not prevent the occupants of a residential property containing only rooming units from sharing a toilet, wash basin, or bathtub or shower provided that access to the toilet, wash basin, and the bathtub or shower is available without going through a room or rooms of another rooming unit and provided that at least one (1) toilet, one (1) wash basin and one (1) bathtub or shower is supplied for each six (6) persons or fraction thereof, who share the said facilities. This Section shall not apply to limit the number of occupants of a rooming unit who have sole access to and control over the facilities specified in Section 3.2.7.1 of this By-law.

SECTION 3.2.8 - EGRESS AND FIRE ESCAPES

- 3.2.8.1. Every dwelling unit shall have a safe, continuous and unobstructed means of egress from the interior of every dwelling or rooming unit to the outside at grade level or a ground floor entrance. The egress to exit shall be kept clear at all times and shall be as direct as practical, without the necessity of passing through a room or rooms that is or are occupied by or are under the control of any other dwelling or rooming unit, or other exclusive occupancy in the building.
- 3.2.8.2 A means of egress as set out in Section 3.2.8.1 of this By-law shall not pass through an attached or built-in-garage or an enclosed part of any other building.

SECTION 3.2.9 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

Amended by By-law 2008-050

- 3.2.9.1 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.*
- 3.2.9.2 *On every residential property all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.*
- 3.2.9.3 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with*

an adequate degree of illumination at all times so as to ensure safe use of these said areas.

- 3.2.9.4 *All off street parking areas and driveways on every residential property shall be:*
- a) constructed and maintained with a stable surface of asphalt, concrete, brick, compacted crush stone or similar material capable of supporting the weight of motor vehicles and preventing the raising of dust; and*
 - b) graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.*

SECTION 3.2.10 – WINDOW

- 3.2.10.1 All windows in a dwelling that are designed to open shall open easily without the aid of special tools and shall be capable of remaining in an open position without additional supports.
- 3.2.10.2 All openable windows in a dwelling shall be screened in order to prevent the entry of insects, termites and other pests and all such screens shall be properly latched or secured in order to prevent the easy removal or opening by small children as provided for in the Building Code.
- 3.2.10.3 Where windows in a multiple dwelling are more than 3 metres from adjacent ground level and are less than one (1) metre from the floor, guards or restrictions shall be established, or such windows shall be designed to withstand lateral loading so as to prevent small children from falling through the window opening.

SECTION 3.2.11 - GARBAGE AND RUBBISH STORAGE

- 3.2.11.1 Every multiple dwelling shall have provided on the same lot therewith, whether inside or outside of a building, an area designated for the temporary storage of garbage and rubbish.
- 3.2.11.2 Where garbage or rubbish is stored inside a multiple dwelling, the storage area, garbage chutes if any, and the receptacles shall be:
- a) kept in a clean and sanitary condition, washed and disinfected as often as necessary to maintain a clean condition;
 - b) enclosed so as to prevent the entry of insects, rodents and vermin into the storage area;
 - c) provided with the necessary screens and/or shields to prevent the entry of insects or vermin into any portion of a dwelling; and
 - d) ventilated so that no noxious odours enter any portion of the dwelling.
- 3.2.11.3 All garbage and rubbish containers and receptacles kept on any residential property shall be screened from view and shall be provided with covers so that the material contained therein is not exposed to public view or to insects or other pests.

SECTION 3.2.12 - LOCKING DEVICES

- 3.2.12.1 In a multiple dwelling, all doors to the exterior or to a common entrance or exit system shall have locking devices installed and such devices shall be maintained at all times in good repair and shall be openable from the inside without requiring the use of a key or special tool.
- 3.2.12.2 In a multiple dwelling, all doors providing access to dwelling units and rooming units shall include a locking device for use by the occupant.

- 3.2.12.3 In a multiple dwelling, all windows or other openings through which unauthorized entry can be gained to a dwelling unit or a rooming unit shall be equipped with a locking or other appropriate security device for use by the occupant.
- 3.2.12.4 In a multiple dwelling, locking devices which incorporate panic hardware shall be used where necessary in accordance with the provisions of the Building Code.
- 3.2.12.5 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

SECTION 3.2.13 - WATER FACILITIES

- 3.2.13.1 No dwelling unit or rooming unit in a multiple dwelling shall be let unless the following water facilities are provided:
 - a) Where the facilities of a municipal water system are located on the street within thirty (30) metres of a multiple dwelling, every such multiple dwelling shall be connected thereto, providing permission for such connection can be obtained from the City's Public Utilities Commission.
 - b) Where the facilities of a municipal water system are not available or connection to the system is for any reason not permitted by the City's Public Utilities Commission or is not required by the City, a multiple dwelling shall be supplied with an adequate supply of potable running water in accordance with the requirements of the Building Code.
- 3.2.13.2 If an adequate supply of potable running water is being used to service a multiple dwelling from a source other than the municipal water system, occupancy of a dwelling unit or rooming unit therein shall be permitted notwithstanding the provisions of Section 3.2.13.1 a) of this By-law provided:
 - a) such system is approved in writing by the Medical Officer of Health; and
 - b) the water is tested annually and such test indicates that such water is potable.

SECTION 3.2.14 - OCCUPANCY STANDARDS

- 3.2.14.1 The number of occupants in a dwelling unit or rooming unit of a multiple dwelling shall not exceed 1 person for each 9.3 square metres of the total floor area of all the habitable rooms within the dwelling unit or rooming unit.

Amended by By-law 2008-050

- 3.2.14.2 For the purpose of computing the total floor area of the habitable rooms in Section 3.2.14.1 of this By-law and the floor area in Section 3.2.14.3 of this By-law, the minimum ceiling height shall be ~~2.2~~ 2.1 metres over at least one half of the required floor area. Any part of the floor having a clear height of less than 1.4 metres shall not be considered in computing the required floor area. No room shall be considered a habitable room if located so that more than one half its height is below the level of the ground adjacent to its exterior walls.
- 3.2.14.3 No room in a multiple dwelling shall be used for sleeping purposes unless it has a minimum width of 1.8 metres and a floor area of at least 7 square metres, and further, a room used for sleeping purposes by 2 or more persons shall have a floor area of at least 4.6 square metres for each person so using the room.

PART 4 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL PROPERTY

SECTION 4.1 - GENERAL

SECTION 4.1.1 - SCOPE

- 4.1.1.1 The provisions of Part 4 of this By-law are special requirements that relate only to non-residential property and are in addition to the various provisions of Part 2, which also apply to non-residential property.

SECTION 4.2 - MAINTENANCE OF NON-RESIDENTIAL PROPERTY

SECTION 4.2.1 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

- 4.2.1.1 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.
- 4.2.1.2 On any non-residential property, all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.
- 4.2.1.3 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with an adequate degree of illumination at all times so as to ensure safe use of these said areas.
- 4.2.1.4 All offstreet parking areas and driveways on any non-residential property shall be:
- a) constructed and maintained with a stable surface of asphalt, concrete, brick, or other material capable of supporting the weight of motor vehicles and preventing the raising of dust; and
 - b) graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.

SECTION 4.2.2 - LIGHTING

- 4.2.2.1 All common halls, vestibules, ramps, stairs, elevators, enclosed or underground automobile parking areas, interior and exterior points of ingress and egress in any non-residential building shall be provided with an adequate degree of illumination so as to ensure safe entry onto and/or use of the said areas, but this requirement shall not apply to require such lighting to be used if non-use of the required lighting achieves security objectives, provided such lighting is available for use when required and no public hazard is created by such non-use.

SECTION 4.2.3 - RESTROOMS

- 4.2.3.1 Rooms containing sanitary conveniences and toilet facilities shall be cleaned regularly so as to be in a sanitary condition.

SECTION 4.2.4 - AUTOMOTIVE REPAIR AND SERVICE ESTABLISHMENTS

- 4.2.4.1 Notwithstanding the provisions of Section 2.2.1.5 of this By-law, any business engaged in the repair of automobiles may store temporarily on the same lot therewith vehicles which may be in a wrecked condition that are to be either repaired at the same premises or removed for disposal, within the immediate future.

PART 5 - GENERAL

SECTION 5.1 - BY-LAWS REPEALED

5.1.1 By-law Numbers 1994-061 and 1994-124 are hereby repealed.

SECTION 5.2 - EFFECTIVE DATE

5.2.1 This By-law shall come into full force and effect upon the final passing hereof.

FINALLY PASSED AND ENACTED this 1st day of March, 1999.

Signature on File
Mayor

Signature on File
Clerk

SCHEDULE A

Amended by By-laws 2009-054 and 2018-044

Patrols will be carried out by the Property Standards Officer mainly to observe the exterior conditions of the property.

A Property Standards Officer may inspect the side and rear yards of a property where it appears to the Officer, without entry onto the property, that there is a contravention of the Property Standards By-law or other regulatory By-laws are likely to exist.

Observations of the property shall include the following:

- Condition of the entryway to the property, walkways, brick/stonework, pathways leading to an entrance to the house
- Condition of the yard
- Fencing
- Driveways and other accesses to the property
- Front entrance including condition of any stairs, porches, verandas, entry ways as visible through cursory observation
- Exterior finish
- Condition of and access to exterior windows and doors
- Exterior soffit and fascia
- Roofing and chimney