

RESOLVED by the Town Council of the Town of Digby that the following by-law be enacted and that the Clerk forward three copies of it duly certified and sealed to the Minister of Municipal Affairs with a request for his approval thereof.

Bylaw # 38

Renumbered # 1979-01

**MINIMUM HOUSING AND MAINTENANCE STANDARDS BY-LAW**

1. Every owner of a building in the Town of Digby shall maintain the building in accordance with the standards set out in Sections 7, 8 and 9 of this By-law.
2. Every occupant of a dwelling in the Town of Digby shall maintain that portion of the dwelling within his exclusive possession in accordance with the standards in Section 10 of this by-law.
3. Every erection, repair or alteration made to any building in the Town of Digby shall comply with the provisions of the Building By-Law.
4. The standards of this By-law are minimum standards and this By-law shall not be construed so as to lessen the requirements prescribed for buildings, construction repairs, alterations or any other thing contained in any other Town of Digby By-Law.
5. In this by-law:
  - a. "accessory building" means a detached subordinate building or structure on the same lot as the main building;
  - b. "alter" means to change the structural component of a building or to increase the volume of a building;
  - c. "building" includes any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, or part thereof;
  - d. "building inspector" means the building inspector of the Town of Digby;
  - e. "Council" means the council of the Town of Digby;
  - f. "dwelling" means any building, part of a building, trailer or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purpose of human habitation with the land and premises appurtenant thereto;

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- g. "dwelling unit" means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment;
- h. "exclusive possession" means the occupancy of a dwelling by other than the owner by notice of a written lease or by notice of the consent of the owner;
- i. "habitable room" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking, or eating purposes.
- j. "non-habitable room" means an area of the building other than a habitable room in a dwelling or dwelling unit and includes the following:
- i. A bathroom or shower room;
  - ii. A toilet room;
  - iii. A laundry room;
  - iv. A boiler or furnace room;
  - v. A pantry;
  - vi. A closet;
  - vii. A corridor or hall;
  - viii. A foyer;
  - ix. A stairway;
  - x. A lobby;
  - xi. A recreation room used as a common room for all tenants in a building, or other space used for access, service or maintenance of the dwelling.
- k. "occupant" means any person over the age of nineteen years in possession of the property;
- l. "owner" includes:
- i. a person who is entitled to possession as tenant in fee simple;
  - ii. a mortgagee in possession;
  - iii. where the mortgagee of land is not in possession the person entitled to the equity of redemption;
  - iv. a person managing or receiving the rent of the land or premises, whether on his own account or as agent or trustee of any other person;
  - v. a person who is assessed for the building on the assessment roll of the Town as of the date of alleged violation.

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- m. "person" includes any person, male or female, and any body corporate and any partnership;
- n. "repair" includes the taking of such action to bring any property under the jurisdiction of this by-law up to the standards set by this by-law;
- o. "yard" includes an unoccupied space on the same lot with a building extending along the length of the street, rear lot line or side lot lines.

6. STANDARDS FOR YARDS AND ACCESSORY BUILDINGS

- (1) YARDS  
Yards shall be kept clean and free from thistles and noxious weeds.
- (2) SEWAGE AND DRAINAGE
  - (a) Sewage or organic waste shall be discharged into the Town sanitary sewer system where available, otherwise into a private sanitary sewer system approved by the Board of Health.
  - (b) Adequate surface water drainage shall be provided over the whole area of the property together with suitable arrangements for its disposal without erosion.
- (3) WALKS, STEPS, DRIVEWAYS AND PARKING AREAS  
Steps, walks, driveways and parking areas and similar areas of a yard shall be maintained to afford safe passage under normal use and weather conditions.
- (4) GARBAGE ENCLOSURES  
Every building shall be provided with a garbage enclosure which shall be maintained in a clean and sanitary condition.
- (5) ACCESSORY BUILDINGS  
Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or accidents.

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7. STANDARDS FOR DWELLINGS AND DWELLING UNITS

(1) FOUNDATIONS

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

(2) BASEMENTS AND UNHEATED CRAWL SPACES

Every basement, cellar, crawl space and similar space shall be adequately ventilated to the outside air and adequately drained.

(3) STRUCTURAL SOUNDNESS

Structural components of a dwelling unit shall be free from serious deterioration, loose jointing, sagging or bulging and shall be capable of sustaining safely the weight of the dwelling unit and any load to which it may be normally subjected.

(4) DAMPNESS

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

(5) PEST PREVENTION AND CONTROL

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

(6) ENCLOSED SPACE ACCESS - ACCESS AND VENTING

An access opening of at least one foot eight inches (1'8") by two feet four inches (2'4") shall be provided, when required, to attics, crawl spaces and other enclosed spaces. Where mechanical equipment is enclosed the access opening shall be sufficiently large to permit the removal and replacement of equipment. Enclosed attic, roof and crawl spaces shall be vented to the exterior.

(7) FLOORS

Every floor shall be reasonably level and smooth and maintained in good condition. Resilient or non-absorption floorings or the equivalent shall be provided in bathrooms, kitchens and laundry rooms. Where flooring has become worn, damaged, cracked or holed or is an accident hazard it shall be repaired, replaced, or removed.

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- (8) EXTERIOR WALLS  
Exterior walls and their components shall be adequate to support the loads imposed upon them and shall be maintained to prevent their deterioration due to the weather or insects. All exterior walls shall have an acceptable cladding or covering, free of holes, cracks, or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability.
- (9) INTERIOR WALLS AND CEILINGS  
Every wall and ceiling finish shall be maintained in a clean condition free from holes, loose coverings or other materials or defects which may increase the spread of fire. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire resistant quality. Load bearing walls or columns shall be adequate to support the loads imposed upon them.
- (10) ROOVES  
All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.
- (11) DOORS  
Existing doors and frames shall be in sound condition and operate satisfactorily. Entrance or exterior doors in dwelling units shall be capable of being locked from both inside and outside.
- (12) WINDOWS  
Windows including hardware shall provide acceptable light and ventilation, operate satisfactorily and be in an acceptable condition with no loose glass, defective putty or hardware, sashes and frames to be in sound condition.
- (13) PORCHES, STAIRS AND BALCONIES  
Every porch, stairway or balcony in or appurtenant to a building shall be maintained in good repair, free from holes, cracks, excessive wear and defects which constitute a safety hazard. Stairs and balconies to have appropriate handrails or safety rails of at least three feet high.
- (14) EGRESS  
Every dwelling or dwelling unit within a building shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the exterior and shall not pass through a room contained in another dwelling.

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(15) HEATING

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

(16) ELECTRICAL SERVICES

Electrical facilities shall comply with the standards of the Canadian Electrical Code, CSA C22.1- 1975 as set out in Part 9-35 of the National Building Code, 1977 and which forms part of the Building By-law of the Town of Digby.

(17) PLUMBING

All plumbing, pipes, fixtures, etc. shall be in sound condition. All water pipes and appurtenances thereto shall be protected from freezing. The plumbing system shall provide satisfactory hot and cold water supply, drainage, venting and operation of fixtures.

(18) LIGHT AND VENTILATION

(i) Every habitable room shall be provided with one or more windows facing directly on a street, yard or court, or a system of mechanical ventilation acceptable to the building inspector may be used in lieu of such window or windows.

(ii) Every bathroom or .room containing a toilet or urinal shall be provided with ventilation by means of one or more windows facing upon a street or court or yard or air well; or by means of one or more windows opening into a vent shaft which extends to and through the roof or into a court, yard or air well; by means of a separate duct or noncombustible material not less than twelve square inches in cross-section, which extends independently of any duct used for other purposes, to and through the roof, or by ventilating sky light, or by such other approved means of mechanical ventilation approved by the building inspector.

(iii) The aggregate area of glass in windows required in all rooms shall not be less than eight percent of the floor area of the building.

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(iv) All windows required by this by-law for purposes of ventilations shall be capable of being opened to an extent of at least thirty percent 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 open as herein provided, unless such ventilation is required by the building inspector.

(19) TOILET, KITCHEN AND BATHROOM FACILITIES

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

(20) BATHROOMS AND TOILET ROOMS

All bathrooms and toilet rooms shall be located within easy access to the building and shall be fully enclosed and have a lockable door to provide privacy, where accessible to the public. Where practicable, a wash basin shall be located in the same room as the water closet.

(21) KITCHENS

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

8. GENERAL

(1) SHARED FACILITIES

Where a building contains more than one dwelling unit and heating, storage, refuse disposal and other facilities are shared, renovations, alterations and repairs shall satisfy the requirements of the National Building Code, 1977 edition, forming part of the Building By-law of the Town of Digby.

(2) FIRE PROTECTION

All construction materials shall satisfy the requirements of the Residential Standards of the 1977 edition of the National Building Code forming part of the Building By-law of the Town of Digby in order to retard the spread of fire and prevent the passage of flame, smoke and hot gases through open or concealed spaces within the building. Sufficient exits from the building shall be provided to assure safe egress in case of fire.

9. OCCUPANTS STANDARDS

- (1) All parts of a building which are occupied by a person other than the owner as defined herein and which are in exclusive possession of the occupant as defined herein, shall be kept free from rubbish, garbage and other debris, objects and conditions that are health, fire or accident hazards.
- (2) All garbage, rubbish and other debris shall be placed in suitable wet proof containers, properly fastened and stored in garbage enclosures provided by the owner. Loose papers shall be bundled and tied so that they can be easily handled and not blow away.
- (3) The occupant of a dwelling unit shall maintain a safe, continuous and undisturbed passage from the interior of the dwelling unit to the exterior of the dwelling unit.
- (4) Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair.
- (5) The occupant shall not use any area of the dwelling unit under his care or control for sleeping purposes which is a non-habitable room.
- (6) The occupant shall not prepare or store food in a room containing a urinal or water closet.
- (7) MINIMUM SPACE AND ROOM DIMENSIONS  
No part of a dwelling except a habitable room as defined herein shall be used for sleeping purposes. A room used for sleeping purposes shall have a floor area of at least sixty square feet and shall have at least forty square feet of floor area for each occupant of the age of twelve and over and at least twenty-five square feet of floor area for each occupant under the age of twelve years occupying such rooms provided.

10. ENFORCEMENT

- (1) Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this by-law, he shall give written notice of such alleged violation to the owner or occupant as the case may require of the dwelling or premises containing such violation as hereinafter provided. Such notice shall:
  - (a) contain a statement of the point or points of noncompliance with this by-law and

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- (b) fix a period of time in which such owner or occupant as the case may require must complete whatever remedial action is necessary to eliminate the point or points of non-compliance with this by-law and if the remedial action is completed within the required time, then the non-compliance with this by-law shall not be an offence.
- (2) In the event of the failure of the owner or occupant so served with notice from the building inspector to remedy the violation described in the notice within the fixed time period, the council may instruct the clerk to serve notice on the owner or occupier requiring him to remedy the violation described in such notice within thirty days after service. If no owner of any building or structure in respect of which any such contravention or failure to comply is taking place, or has taken place, can be found within the town, the town council may post, or may cause to be posted, a notice of such contravention or failure, and of the intention to take proceedings in respect thereof, upon such building or structure, and at the expiry of ten days from; the first day of such posting any proceedings in respect thereof may be had and taken ex parte.
- (3). In the event of the failure of the person so served with notice to remedy the violation within thirty days after such service, the person shall be liable upon conviction to the penalties provided by Section 228 of the Towns Act.

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>Spencer D. W. Bell</i> Departmental Solicitor	
APPROVED this <i>16<sup>th</sup></i> day	
of <i>May</i> 19 <i>79</i>	
<i>[Signature]</i> Minister of Municipal Affairs	

THIS IS TO CERTIFY that the by-law of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Digby duly held on the *7<sup>th</sup>* day of *May*, 1979.

GIVEN under the hand of the Town Clerk and under the corporate seal of the Town of Digby this *9<sup>th</sup>* day of *May*, 1979.

*[Signature]*  
TOWN CLERK