

BY-LAW # M-100

MINIMUM STANDARDS BY-LAW FOR EXISTING RESIDENTIAL DWELLINGS IN THE CAPE BRETON REGIONAL MUNICIPALITY

Made pursuant to Section 181 of the *Municipal Government Act* of Nova Scotia

Interpretation

- 1.1 The purpose of this by law is to establish standards governing the condition, occupancy and maintenance of residential property and providing safeguards for the safety, health and welfare of the general public in and around such properties and that of the occupants and users of residential properties.

The standards of this By-Law are minimum standards and this By-Law does not lessen the requirements prescribed for buildings, constructions, repairs and alterations contained in any other By-Law.

- 2.1 In this By-Law:

- (a) "derelict boarded-up building" means a building for which the occupancy permit has been withdrawn by written authorization by the Building Inspector and which is boarded up so as to restrict entrance in a manner acceptable to the Building Inspector/ Building Official.
- (b) "building" includes a structure of any kind, including accessory buildings and anything affixed to or integrated in a building that would, without special mention, be transferred by a conveyance of the land on which the building is located, but does not include a building under construction.
- (c) "Building Inspector" mean the persons appointed by the Council of the Cape Breton Regional Municipality to be the Building Inspector / Building Official.
- (d) "building under construction" means a partially completed building for which a valid building permit is still in force and for which an occupancy permit has not been granted.
- (e) "dwelling" includes any building, part of a building, tent, 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 purposes of human habitation with the land and premises appurtenant thereto.
- (f) "dwelling unit" means living quarters ,a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment, that:
 - (i) are accessible from a private entrance, either outside the building or in a common area within the building,
 - (ii) are occupied or, if unoccupied, are reasonably fit for occupancy,
 - (iii) contain kitchen facilities within the unit, and
 - (iv) have toilet facilities that are not shared with the occupants of other dwelling units;
- (g) "exclusive possession" means the occupancy of premises by someone other than the owner by a written lease or by notice of the consent of the owner.
- (h) "habitable room" means a room , other than a non-habitable room, designed for or which may be used for living, sleeping, eating or cooking.

- (i) "Building Inspector/ Building Official" means any person employed by the Cape Breton Regional Municipality whose duty is to inspect buildings and premises.
- (j) "Municipality" means the Cape Breton Regional Municipality.
- (k) "non-habitable room" means an area of a building other than a habitable room in a dwelling or dwelling unit, and includes:
 - (a) a bathroom or shower room
 - (b) a toilet room
 - (c) a laundry room
 - (d) a boiler room
 - (e) a furnace room
 - (f) a pantry
 - (g) a closet
 - (h) a corridor
 - (i) a foyer
 - (j) a stairway
 - (k) a lobby or
 - (l) other space for services or maintenance of the dwelling or access to and vertical travel between stories
- (l) "occupant" includes the resident occupier of a dwelling or dwelling unit, land, or if there is no resident occupier, the person entitled to possession thereof, a leaseholder, and a person having or enjoying for any way or purposes the use of land, otherwise than as owner
- (m) "owner" includes:
 - (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building a person who is entitled to possession as tenant in fee simple, for life, or for a term of not less than twenty years;
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building;
 - (c) where the mortgagee of land is not in possession, the person entitled to the equity of redemption;
 - (d) in the absence of proof to the contrary, the person assessed for the property;
 - (e) the person managing or receiving the rent from the land or premises, whether on his own account or as agent or trustee of any other person;
 - (f) a person who is assessed for the building as of the date of any alleged violation;
 - (g) the person who is entitled to possession by reason of an agreement of sale

between that person and the owner of the property.

- (n) "repair" means taking the necessary action to bring any building, dwelling or dwelling unit to the standards contained herein, including boarding up.
- (o) "standards" means the standards for the maintenance and improvement of the physical condition and for the fitness of occupancy prescribed for dwellings in this By-Law.

General Duties and Obligations

- 2.2. (1) The owner of a building shall maintain the building to the standards contained in this By-Law.
- (2) Failure to meet each standard constitutes a separate offense.
- 2.3. (1) The occupant of a dwelling, building or dwelling unit shall maintain that portion of the building in the occupant's exclusive possession to the standards contained in this by law.
- (2) Failure to meet each standard constitutes a separate offense.
- 2.4. All repairs to a dwelling shall be made under the authority of an approved building permit and in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purposes.

Inspections and Orders of the Building Inspector:

- 3.1 (1) Upon receipt of a complaint when the Building Inspector has been notified of a violation of this By-Law, the Building Inspector shall inspect the premises within forty-eight (48) hours, exclusive of Saturdays, Sundays and holidays.
- (2) Where a person has notified a Building Inspector of a violation of this By-Law, the Inspector may send the person a copy of the inspection report.
- (3) If a tenant has notified the Building Inspector of a suspected violation of the By-Law, the landlord shall not harass the tenant as a consequence thereof.
- 3.2. (1) In addition to any other remedies contained in this By-Law, the Building Inspector may order the owner to make whatever repairs are necessary to bring the building to the standards contained in this By-Law.
- (2) In addition to any other remedies contained in this By-Law the Building Inspector may order the occupant to make whatever repairs are necessary to bring the building up to the standards of this By-Law.
- (3) An Order made pursuant to this by law shall be in writing, shall specify the repairs required and shall fix a definite period of time, not to exceed (90) ninety days, in which the remedial action necessary to eliminate the non-compliance with this By-Law must be taken.
- (4) An Order of the building inspector pursuant to this By-Law shall be deemed to have been properly served if send by prepaid ordinary mail to the address of the owner as it appears on the latest assessment roll of the Municipality or by being posted in a conspicuous place upon the

property.

- (5) Whenever any remedial action taken to eliminate any non-compliance with this By-Law reveals further non-compliance with this By-Law, the Building Inspector shall send a further notice to remedy the further non-compliance with this By-Law.

Owner's Standards/Responsibilities:

Rubbish:

- 4.1. The owner shall keep all parts of the building, except those within the exclusive possession of an occupant, clean and free from:

- (a) rubbish, garbage and other debris;
- (b) objects and conditions, holes and excavations that are health, fire or accident hazards.

Garbage Disposal:

- 5.1. (1) Every building that is outside the scope of the Cape Breton Regional Municipality Garbage Collection and Disposal by law, shall be provided with a garbage enclosure.
- (2) The enclosure shall not be located in a habitable room, and shall be adequate to enclose one week's garbage of the number of people occupying the building.

Roofs:

- 6.1. (1) The roof shall be kept weathertight and free from leaks.
- (2) Every eavestrough, roof gutter and downpipe shall be kept:
 - (a) in good repair;
 - (b) in good working order;
 - (c) watertight and free from leaks;
 - (d) free from health and accident hazards.
- (3) Every roof shall be kept free from:
 - (a) loose or unsecured objects and materials;
 - (b) dangerous accumulations of snow or ice;
 - (c) all other fire and accident hazards.

Exterior Walls:

- 7.1. (1) The components of every exterior wall of a building and the exterior wall shall be maintained:
 - (a) in good repair;
 - (b) weathertight;
 - (c) free from loose or unsecured objects and materials;
 - (d) to prevent the entrance of insects and rodents;
 - (e) to prevent deterioration due to weather, insects or animals.

- (2) Without restricting the generality of Subsection (1), the maintenance of an exterior wall includes the waterproofing of the wall and joints, and restoring, repairing and replacing of:
 - (a) the wall
 - (b) the bricks and mortar
 - (c) the stucco, lathing and plaster
 - (d) the cladding
 - (e) the coping
 - (f) the flashing

Foundation Walls and Foundation Supports:

- 8.1. (1) Every foundation wall forming part of a building shall be maintained in good repair so as to prevent settlement of the building or the entrance of moisture, insects or rodents.
- (2) Without limiting the generality of Subsection (1), the maintenance of a foundation wall includes:
 - (a) jacking up, underpinning or shoring the walls where necessary;
 - (b) replacing subsoil drains at the footing;
 - (c) grouting masonry cracks;
 - (d) waterproofing the wall and joints.
- (3) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.
- (4) Without limiting the generality of Subsection (3), the maintenance of foundation supports includes:
 - (a) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
 - (b) making sills, piers, posts or other supports waterproof, weatherproof and insect proof by the application of paint or other suitable materials;
 - (c) using suitable means to jack up or support the building where necessary.

Structural Soundness:

- 9.1. Every part of a building 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 normally be subjected.

Drainage:

- 10.1. (1) Every basement, cellar, crawl-space and similar space shall be adequately ventilated to the outside air and adequately drained.
- (2) Every floor, every ceiling, both sides of every interior wall, and the interior side of every exterior wall in a dwelling shall be maintained free from dampness.
 - (a) any non-habitable room in a basement or cellar, or
 - (b) a garage.
- (3) Every building shall be so constructed and protected as to prevent the passage of noxious gases from a part of the building that is not used, designed or intended to be used for human

habitation, into other parts of the building intended, used or designed for human habitation.

Exterior Doors and Windows:

- 11.1 (1) All exterior windows, doors and hatchways in a building shall be maintained in good repair and weathertight.
- (2) Without restricting the generality of Subsection (1), the maintenance required includes:
- (a) repairing or renewing damaged, decaying or rotten:
 - (i) doors
 - (ii) door frames and casing
 - (iii) window sashes, and
 - (iv) window frames and casings
 - (b) refitting doors and windows;
 - (c) weather stripping;
 - (d) repairing or replacing defective or missing door hardware and defective or missing window hardware;
 - (e) reglazing; and
 - (f) using other suitable means of weatherproofing.
- (3) Every opening in an exterior wall that:
- (a) is used or required for ventilation or illumination;
 - (b) is not protected by a window or door, and
 - (c) could permit the entry of rodents or vermin shall be:
 - (i) screened with wire mesh, metal grills, or other durable material, or
 - (ii) otherwise protected so as to effectively prevent the entry of rodents or vermin.
- (4) Where storm windows are installed in a building, such windows shall be maintained in good repair and glazed.
- (5) All shutters on a building shall be maintained in good repair and be adequately secured.
- (6) Without restricting the generality of Subsection (5), the maintenance includes:
- (a) repairing or replacing damaged or decayed shutters and hardware; and
 - (b) using other suitable means to prevent deterioration due to weather and insects.

Egress:

- 12.1. (1) The owner shall maintain a safe, continuous and unobstructed passage from the exterior of each dwelling unit in each building to the exterior of each building at street or grade level.
- (2) The passage required in Subsection (1) shall not pass through a room in another dwelling unit or be a shared single exit with any other dwelling unit or occupancy.

Stairs, Balconies and Porches:

- 13.1. (1) Every stairway, balcony or porch in, on, or appurtenant to a building shall be maintained;
- (a) in good repair;
 - (b) free from
 - (i) holes
 - (ii) cracks
 - (iii) excessive wear and warping, and
 - (iv) other defects that are accident hazards.
- (2) Without restricting the generality of Subsection (1), the maintenance includes:
- (a) repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose;
 - (b) repairing, renewing or supporting structural members that are rotten, deteriorated or loose;
 - (c) painting.
- (3) Every open side of a stairway, flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing or stairwell shall have a rigid guardrail not less than (42) forty-two inches high with an intermediate rail, or a balustrade in good repair firmly attached so as to provide reasonable protection against accident or injury, where
- (a) the vertical rise between the base of the stairway and the top of the stairway exceeds five feet; and
 - (b) the flat roof, terrace, verandah, porch, landing or stairwell
 - (i) is more than two (2) feet above the ground, floor, or other horizontal place below, and
 - (ii) can be used by any person who is in, on, or at the building.
- (4) Every stairway that does not require a guardrail or balustrade under Subsection (3) shall have a rigid handrail not less than three (3) feet high in good repair on at least one side of the stairway firmly attached to provide reasonable support for persons using the stairway.

Walls and Ceilings:

- 14.1. (1) Every wall and ceiling in a dwelling shall be maintained in good condition and free from holes, cracks, and loose plaster.
- (2) Every ceiling, both sides of an interior wall and the interior side of an exterior wall in a dwelling shall be lathed and plastered or covered with other material having equivalent qualities.
- (3) Subsection (2) shall not apply to:
- (a) a garage; or
 - (b) any attic space that is not used designed or intended to be used for human habitation.

Floors:

- 15.1. (1) All floors in a dwelling shall be maintained free from:
- (a) loose, warped, protruding, broken or rotted boards;
 - (b) holes or cracks.
- (2) Where a floor in a dwelling is covered with linoleum or a similar covering that has become torn or holed so that it retains dirt or is an accident hazard, the covering shall be repaired, replaced or removed.
- (3) Every bathroom floor, shower room floor and toilet room floor, every kitchen floor and every entry way floor in a dwelling shall be maintained in a manner that permits easy cleaning and is water resistant.
- (4) Without restricting the generality of Subsection (3), the maintenance includes installing, repairing, refinishing and replacing a floor or floor covering that will provide the required conditions.

Fireplaces, Flue-Burning Equipment, Chimneys, etc.:

- 16.1 (1) 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 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.
- (2) In every building:
- (a) equipment that burns fuel;
 - (b) heating equipment; and
 - (c) every vent pipe, chimney, smoke pipe, flue or duct connected to such equipment shall be so constructed, placed, protected and maintained in good repair as to prevent unsafe or dangerous conditions and the entrance of noxious gases into the dwelling.
- (3) Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or a similar duct.
- (4) Without restricting the generality of Subsections (1) and (2), the maintenance includes:
- (a) lining, repairing, and relining the fireplace with fire-resistant material;
 - (b) installing, repairing and replacing the hearth of the fireplace;
 - (c) clearing obstructions from the chimney, flue, smoke pipe or other duct;
 - (d) sealing open joints and repairing masonry;
 - (e) using piping or ducts of adequate size for a chimney, flue, smoke pipe, vent pipe, or a similar duct.
- (5) Subsection (3) does not apply to a domestic appliance used for cooking or an approved portable space heating unit if the appliance is so constructed, designed, and used as not to require venting.

Heating Systems:

- 17.1. (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of not less than twenty-two degrees Celsius in all parts of all habitable rooms, bathrooms, and toilet rooms in a dwelling at all times.
- (2) The heating system shall be maintained in good repair and working condition and capable of heating the dwelling safely.
- (3) Where, in a dwelling:
- (a) a heating system or part of it, or
 - (b) an auxiliary heating system or part of it
- burns or is designed or intended to burn solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in good condition.
- (4) All fuel-burning appliances, equipment, accessories and installations in a building shall be installed in a good and workmanlike manner and maintained in good repair and working order.
- (5) Where there is fuel-burning equipment in any occupied dwelling, not occupied by the owner, and the owner is required by the lease or agreement providing for the occupancy to provide fuel, an adequate supply of fuel shall be available at all times for the equipment.

Heating Equipment Connections

- 18.1. (1) All connections between
- (a) heating equipment or
 - (b) cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel in a dwelling,
- and the source of liquid or gaseous fuel shall be maintained rigid and in good repair.
- (2) Notwithstanding Subsection (1), an approved flexible connector may be used to connect a gas stove used only for cooking purposes to its source of gaseous fuel.

Plumbing and Plumbing Fixtures

- 19.1. (1) All plumbing in a building or dwelling, including plumbing fixtures, drains, water pipes, water closets and connecting lines to the water and sewer systems, shall be installed and maintained in good working order and repair and free from leaks and other defects.
- (2) A water closet or a urinal in a dwelling shall be located only within a separate bathroom or toilet room.
- (3) A wash basin that is in good working order, served with hot and cold running water and connected to the drainage system for the dwelling, shall be located in every room that contains a water closet or a urinal.

- (4) Notwithstanding Subsection (3), where a dwelling contains not more than three dwelling units, the wash basin may be located in a room adjoining the room that contains a water closet or a urinal.
- (5) Every bathroom and toilet room in a dwelling shall:
 - (a) be located within the main portion of the dwelling;
 - (b) have provisions for privacy; and
 - (c) where the bathroom or toilet room is used or is intended to be used by more than one (1) roomer or boarder or by the occupants of more than one (1) dwelling unit, have an entrance from a common passageway, hallway, corridor or other space used in common by the occupants of the dwelling.
- (6) No person shall store or prepare food in a room that contains a water closet or a urinal.
- (7) An adequate supply of potable water shall be available at all times to all plumbing fixtures located in a dwelling.

Kitchens:

- 20.1. (1) Every room in a dwelling unit in which meals are prepared shall have a sink that:
 - (a) is served with hot and cold running water;
 - (b) is connected to the sewer system for the building;
 - (c) is in good repair and working order.
- (2) Where more than two persons occupy a dwelling unit, no person shall store, prepare or cook food in a room or area in the dwelling unit used for sleeping purposes.
- (3) Every kitchen shall be provided with a properly installed and maintained source of electricity.

Electrical System:

- 21.1 (1) Every residence shall be connected to an electrical supply system and shall be wired for electricity.
- (2) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling.
- (3) The capacity of the connection to the building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use in the building.
- (4) Every habitable room in a dwelling shall have at least two duplex receptacles.
- (5) A kitchen electric utility receptacle shall:
 - (a) be mounted in a separate outlet box;
 - (b) be connected to a utility circuit used exclusively for the utility of approved gauge wire,

and shall be protected by an approved ampere fuse or circuit breaker.

(6) Smoke Alarms or Smoke Detectors:

- (a) smoke alarms or smoke detectors shall be installed between each sleeping area and the remainder of the dwelling unit;
- (b) where sleeping areas are served by a hallway, smoke alarms or smoke detectors shall be installed in the hallway;
- (b) smoke alarms or smoke detectors shall be installed on or near the ceilings.

Electrical

- (7) Every laundry area in a dwelling shall have at least one electrical duplex convenience outlet in good working order.
- (8) An electrical light fixture shall be permanently installed and maintained in good working order in every water closet compartment, toilet room, bathroom, shower room, kitchen, and kitchenette, cooking space, laundry room, furnace room, hall and stairway in a dwelling.
- (9) No person shall place an extension cord directly beneath a floor covering or through a doorway, transom, wall, ceiling or floor and no person shall use, cause or permit the use of an extension cord so placed.
- (10) The electrical wiring, circuits, fuses, circuit breakers, and electrical equipment in a dwelling shall be maintained at all times:
 - (a) in good repair and working order, and
 - (b) free from fire and accident hazards.

Lighting and Ventilation:

- 22.1. (1) Every habitable room in a dwelling, except the kitchen, shall contain one or more windows or skylights that:
 - (a) are at least 50% above the level of the ground outside the wall in which it is installed;
 - (b) open directly to the outside air;
 - (c) have a total glass area of not less than 5% of the total floor area of the room.
- (2) All skylights, windows and window sashes shall:
 - (a) be glazed;
 - (b) be provided with proper and suitable hardware;
 - (c) open to the outside air to the extent of not less than 5% of the floor area of the room;
 - (d) be maintained in good repair;
 - (e) be easily opened and closed at all times.
- (3) Lighting equipment in good working order shall be provided and maintained at all times in every:

- (a) stairway
- (b) hall
- (c) bathroom
- (d) shower room
- (e) toilet room
- (f) basement or cellar
- (g) laundry room
- (h) furnace room
- (i) similar non-habitable work room
- (j) kitchen

in a dwelling.

- (4) Every habitable room, bathroom, shower room, and toilet room in a dwelling shall be provided with adequate natural or artificial means of ventilation.
- (5) Where any system of mechanical ventilation is provided in any room in a dwelling, it shall be:
 - (a) capable of completely changing the air in the room at least once per hour;
 - (b) maintained in good repair and working order at all times.
- (6) All enclosed spaces within a dwelling shall be adequately ventilated and access of sufficient size to permit entry thereto shall be provided and shall be fitted with a door or panel to enclose the opening.

Multiple Occupancy Dwellings:

- 23.1. (1) In this Section, "multiple occupancy dwelling" means a dwelling that contains more than three dwelling units or in which lodging is provided for more than three roomers or boarders.
- (2) The standards provided by this Section apply to multiple occupancy dwellings only.
- (3) Nothing in this Section relieves any owner of multiple occupancy dwellings from compliance with all of the other standards of this Part.
- (4) Every:
 - (a) passageway
 - (b) hallway
 - (c) corridor
 - (d) entrance
 - (e) lobby
 - (f) living room
 - (g) dining room
 - (h) recreation room
 - (i) other area

used in common by the occupants of a multiple occupancy dwelling shall be maintained in a clean and sanitary condition.

- (5) Without limiting the generality of Subsection (4), the maintenance includes:
 - (a) regular cleaning of the floors and the walls;
 - (b) covering the floors with a durable material that is free from cracks, holes or other defects that retain dirt or are health or accident hazards;
 - (c) covering the walls and ceilings with a durable material that is resistant to cracking, scratching, or breaking or alternatively, regularly painting or decorating so as to provide a finished surface which can be easily cleaned.
- (6) Every room used for sleeping purposes and every dwelling unit in a multiple occupancy dwelling shall have at the entrance to the room or the dwelling unit, as the case may be, a door that closes securely and that is fitted with proper hardware in good repair and working condition.
- (7) In every multiple dwelling, the plumbing facilities required by Section 24 shall be located and available to each occupant of a multiple occupancy dwelling on:
 - (a) the same storey as, or
 - (b) the next storey up or down from the storey on which the room or dwelling unit occupied by the occupant is located.

Utilities Not to be Shut Off:

- 24.1. (1) No owner of a building that is used for the purpose of human habitation shall disconnect, shut off, remove, otherwise discontinue or cause or permit the disconnection, shutting off, removal, or other discontinuance of any gas, water, steam, electric power, fuel oil or other service or utility serving a dwelling except when the action is necessary in order to safely make repairs, replacements, or alterations in, at, or upon the dwelling and then only after personal notice is delivered to the individual dwelling units, and then only for the reasonable minimum time that such action is necessary.
- (2) An owner of a building liable for rates for gas, water, steam, electric power, fuel oil or other service or utility who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected, shut off, removed or discontinued shall be deemed to have caused or permitted the disconnection, shutting off, removal or discontinuance.

Use of Non-Habitable Rooms:

- 25.1 (1) The owner shall not use or permit the use of a non-habitable room in a building for a habitable room purpose.
- (2) The owner shall not use or permit the use of a non-habitable room for sleeping purposes.
- (3) Where a room or part of a room in a dwelling does not exceed 4'6" in height, the floor area under a ceiling that is not more than 4'6" above the floor shall not be counted in computing the floor area of the room.

- (4) A room that is less than 6½ feet in height over more than one-half of the floor area is deemed to be a non-habitable room.
- (5) A habitable room, an exit, and a passage shall have a minimum height of 6½ feet.
- (6) A projection from a ceiling, including a lighting fixture, shall be a minimum of 6½ feet from the floor in all exits and accesses to exit corridors.

Basement Apartments:

- 26.1. (1) Where the floor of any portion of a building is below the finished grade of the property, no person shall use or permit the use of that space or any part thereof as one or more habitable rooms except where, in addition to the other standards prescribed in this By-Law, the following requirements are met:
- (2) All bedroom windows shall provide egress and natural light and ventilation. Windows shall be above the level of the surrounding ground and of sufficient size for egress.
 - (3) Ventilation of rooms in such space shall:
 - (a) be provided:
 - (b) through doors or windows, or
 - (c) by means of a system of mechanical ventilation, including an exhaust fan, either of which shall:
 - (d) be sufficient to completely change the air in such space at least once per hour.
 - (3) The floors and walls shall be so constructed as to be impervious to water leakage and shall be treated against dampness by the provision of an adequate vapour barrier.
 - (4) The floors shall be damp-proof and shall be covered with a permanent floor covering material, other than paint, that prevents condensation.
 - (5) Each habitable room shall be separated from any room containing heating equipment by a fire-resistant partition containing no openings other than an opening for a door with a door fitted therein.
 - (6) Access to each habitable room shall not be gained by passage through a furnace room or a boiler room.
 - (7) Every furnace room and every boiler room shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.
 - (8) Where a laundry room that is used by:
 - (a) the occupants of more than two dwelling units, or
 - (b) the members of more than two families

is located in a basement or cellar, the laundry room shall be provided with a system of mechanical ventilation that is:

- (a) maintained in good working order, and
- (b) capable of completely changing the air in the laundry room at least once per hour.

Dimension and Utility Standards:

- 27.1. (1) A dwelling shall contain at least one toilet and one sink for each nine persons living in the dwelling.
- (2) A dwelling shall contain at least one bathtub or shower for each nine persons living in the dwelling.
- (3) An occupant shall have access to one bath tub or shower.
- (4) For the purpose of this Section, a family unit of more than nine persons is deemed to be nine persons.
- 28.1 (1) Except for a habitable room, no part of a dwelling shall be used for sleeping purposes.
- (2) a habitable room used for sleeping purposes shall have a floor area of at least sixty (60) square feet.
- (4) The floor space at points where the sloping walls or ceilings are less than 4'6" above the floor in a vertical direction shall not be included in calculating the floor area of a room.
- Cape Breton Regional Municipality

Occupant's Standards

29.1. All parts of a building that are occupied by a person other than the owner and which are in the exclusive possession of the occupant shall:

- (a) be kept free from rubbish, garbage and other debris;
- (b) be kept free from objects and conditions which are health, fire or accident hazards.
- (c) in the case of no electrical supervised smoke alarms and detectors, battery operated smoke alarms shall be kept and maintained in good working order at all times.

30.1. All garbage, rubbish, and other debris shall be stored in the garbage enclosure provided by the owner.

31.1 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.

32.1. Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair.

33.1. The occupant of a building shall not prepare food in a room containing a water closet or urinal.

Administration

- 34.1 (1) Any notice, decision or other document required to be served pursuant to this by law may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile or maybe posted upon the property
- (2) A notice, decision or other document is deemed to have been served on the third day after it was sent.
- 35.1 (1) Where an employee of the municipality lawfully directs that anything be done and it is not done, administrator or employee may cause it to be done at the expense of the person in default.
- (2) No action shall be maintained against the municipality, or any agent, servant or employee of the municipality for anything done pursuant to this by law. The Municipality and its officers and employees are not liable for a loss as a result of the manner or extent of an inspection or the frequency, infrequency or absence of an inspection
- (3) Where an inspection is required or conducted pursuant to this By-Law or an enactment
- (a) the inspector may enter in or upon land or premises at a reasonable time without a warrant;
- (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance;
- (c) and where a person refuses to allow the Inspector to exercise or attempts to interfere or interferes with the Inspector, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an order
- (i) to allow the inspector entry to the building, and
- (ii) restraining a person from further interference.
- (4) It is an offence to refuse access to an inspector or to interfere with an inspector in the performance of their duties.
- (5) Where the administrator cannot find the owner of a building or structure in respect of which a contravention is taking place or has taken place, notice of the application may be posted upon the building or structure.
- (6) The standards of a By-Law passed pursuant to this Section shall be consistent with the standards prescribed pursuant to the Nova Scotia Building Code Act and any regulations made pursuant thereto.

Penalties

- 36.1 (1) Any item in this by law which is determined by the inspector to be in non compliance is deemed an offence.
- (2) For each offence, imposing a fine not less than \$250.00 (two hundred and fifty dollars) and not exceeding \$10,000.00 (ten thousand dollars) or imprisonment for not more than one year or both, including the imposition of a minimum fine,
- 37.1 (1) Where a person contravenes a provision of this By-Law, the administrator may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided pursuant to this Section.
- (2) The Supreme Court of Nova Scotia may hear and determine the matter at any time and, in addition to any other remedy or relief, may make an order
- (a) restraining the continuance, or repetition of, a contravention and a new or further contravention in respect of the same building or structure;
 - (b) directing the removal or destruction of the building or structure, or part thereof, that is in contravention of, or fails to comply with, the By-Law and authorizing the administrator, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and remove and destroy the building or structure, or part thereof, at the expense of the owner;
- 38.1 (1) Every day during which an offence pursuant to this by law continues is a separate offence.
- (2) In addition to a fine imposed for contravening a provision of this by law, a judge may order the person to comply with the provision, order, regulation or By-Law under which the person was convicted, within the time specified in the order.
- 39.1 Any person who removes, defaces or makes illegible a notice or order posted pursuant to this by law is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) and in default of payment, to imprisonment for a period of not more than ninety (90) days.
- 40.1 Where the administrator or another employee of a municipality lawfully causes work to be done pursuant to this by law, the cost of the work, with interest at the rate determined by the council, 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.

Repeal of Previous By-Laws

41. Any By-Law or any provision thereof passed and approved by The Cape Breton Regional Municipality or any former Municipality within the boundaries of the County of Cape Breton which conflicts with or acts contrary to the provisions of this By-Law are hereby repealed with this By-Law becoming law and any other provision such By-Laws hereby ratified and confirmed insofar as they are not in conflict with this By-Law.

***PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on April 15, 2008.*

MAYOR JOHN MORGAN

BERNIE WHITE
MUNICIPAL CLERK

Publication Date: May 15, 2008