


Halifax Regional Council

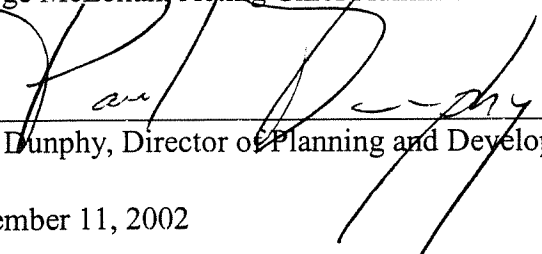
December 17, 2002

January 7, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Acting Chief Administrative Officer


Paul Dunphy, Director of Planning and Development Services

DATE: December 11, 2002

SUBJECT: Residential Occupancy Standards Bylaw

ORIGIN:

- November 19, 2002 Committee of the Whole staff presentation.
- Notice of Motion by Councillor Sloane that at the Halifax Regional Council meeting to be held on December 17, 2002, a motion would be introduced to:
 1. Give First Reading to Bylaw M-100 "Standards for Residential Occupancies" and set a Public Hearing date for adoption of the Bylaw; and
 2. Repeal the provisions of existing Municipal bylaws which deal with minimum standards and rooming/lodging houses, namely the following bylaws:
 - City of Halifax Ordinance No. 157 - "Housing and Building Standards Ordinance" (1976)
 - City of Dartmouth Bylaw M-101 - "Minimum Standard of Use and Maintenance Bylaw" (1990)
 - Halifax County Bylaw No. 53 - "Minimum Standards Bylaw" (1983)
 - City of Dartmouth Bylaw - "Lodging House Bylaw" (1981)
 - HRM Bylaw No. F-100 - "Fire Protection Bylaw" (1996)

RECOMMENDATION:

It is recommended that Regional Council give first reading to Bylaw M-100 "Standards for Residential Occupancies" and set a public hearing date to adopt the Bylaw and repeal the provisions of existing Municipal bylaws which deal with minimum standards and rooming/lodging houses.

The Administrative Order specifying the fees for Rooming House licenses will be brought to Council at a later date. The Administrative Order does not require a public hearing.

DISCUSSION

Why is a Residential Occupancy Bylaw Required?

The Nova Scotia Building Code specifies the standards which must be met for construction of all new buildings and all renovations to existing buildings. The current Building Code legislation provides no authority to apply standards to an existing building unless it is being renovated or undergoing a change in use. Additionally the Code does not require:

- Buildings constructed prior to adoption of Building Codes to be upgraded to current standards;
- Buildings constructed under older Building Codes to be upgraded to current standards; or
- Buildings constructed under current Code provisions to be maintained to those standards.

What Does the Bylaw Do?

A Residential Occupancies Standards Bylaw allows the Municipality to specify:

- Which elements of existing residential buildings must be upgraded;
- The standards to which they must be upgraded;
- The standards to which the conditions of existing buildings must be maintained; and
- The powers HRM has to carry out building improvements which are required in order to comply with the Bylaw.

In addition the Bylaw:

- Specifies unique standards for rooming houses since the Building Code does not recognize this as a unique building type and therefore does not have special standards for design, construction and maintenance; and
- Requires a Municipal license to operate a rooming house and annual inspections to ensure the building and rooms are adequately maintained.

Goals

The goals of the Bylaw are to:

- Establish uniform regulations and standards for residential buildings throughout HRM (currently there are five bylaws with various standards and some areas have no bylaws);
- Ensure existing residential buildings are “safe, warm and dry”; and
- Specify reasonable “comfort and convenience” standards which go beyond simply providing basic “safe, warm and dry” housing.

Scope

Inadequate housing conditions are not limited to rental accommodations. Owner occupied homes can also have significant deficiencies. In addition, the impact of inadequate living conditions are not just limited to the building residents. The conditions can also cause public health and safety concerns for

the community (e.g. lack of adequate sewage disposal or fire prevention.) The Residential Occupancy Standards Bylaw therefore will apply to all residential buildings throughout HRM. This includes:

- Both owner occupied and rental properties; and
- All types of residential buildings from single family homes up to apartment buildings.

Issues not Addressed in Proposed Bylaw

The proposed Bylaw focuses exclusively upon residential occupancy standards. This contrasts with bylaws approved by the previous municipalities which included “dangerous and unsightly” powers related to property and building exteriors and to buildings deemed to be dangerous due to structural deficiencies. “Dangerous and unsightly” standards are not included in the Bylaw because the Municipal Government Act already provides the Municipality with broad powers in this area. These powers will be used in conjunction with the Bylaw.

There are a number of housing related issues which fall outside the scope of this Bylaw but which are addressed either through the Provincial Residential Tenancies Act or Police powers. For clarity these include the following:

- Resident (either tenant or owner) behaviour;
- Neighbourhood disturbances;
- Landlord behaviour;
- Tenant/landlord disputes; and
- Housekeeping standards.

Examples of Issues Addressed in the Bylaw

Basic Requirements

The following examples illustrate the basic requirements for “safe, warm and dry” housing which are addressed in the Bylaw:

- Structural integrity;
- Weather-tight;
- Minimum temperature;
- Hot and cold potable water;
- Plumbing connected to a sewage disposal system;
- Safe electrical systems;
- Emergency exits;
- Safe fuel-fired appliances which are vented and separated;
- Smoke detectors/alarms;
- Prevention of noxious gases from circulating within the building;
- Condensation free;
- Water impervious bath, kitchen and laundry floors and bath/shower walls; and
- Water/grease impervious kitchen counters.

Additional Requirements

The following examples illustrate additional requirements for “*comfort and convenience*” which are addressed in the Bylaw:

- Self-contained bathrooms and bedrooms;
- Windows and ventilation in habitable rooms;
- Requirements to have kitchen cabinets, counters and sinks;

- No holes or loose boards/coverings in floors, stairs, walls or ceilings; and
- Insect and rodent free.

Rooming Houses

The following examples illustrate additional requirements for “*rooming houses*” which are addressed in the Bylaw:

- Annual inspection/license renewal;
- Emergency exit from each sleeping room and floor with sleeping rooms;
- Fire separation for each sleeping room, kitchen, laundry room and service room;
- Smoke alarms for each sleeping room;
- Fire extinguishers;
- Emergency lighting in common areas;
- Emergency plan posted on each floor;
- Microwave cooking only in sleeping rooms;
- Bathrooms provided at 4:1 ratio; and
- Locks inside doors to sleeping rooms.

Powers and Remedies

A significant problem with the existing minimum standards bylaws has been the difficulty of obtaining timely correction of problems once are identified. The process of going to the Courts for a prosecution is time consuming and convictions often only result in a fine. In the meantime the problem with the inadequate housing conditions continues.

The proposed Bylaw allows staff to issue Orders which specify the improvements which must be undertaken and time frames for commencing and completing the work. If the property owner does not comply, the Bylaw allows the Municipality to carry out the work and lien the property to recover the costs of materials and labour. Indirect costs associated with administration cannot be recovered.

Property owners will have the right to appeal staff Orders to the Dangerous and Unsanitary Premises Committee. The Committee has substantial experience hearing such appeals since they currently deal with Orders to remedy the exterior conditions of properties. The Committee will now be able to deal with appeals relating to both the interior and exterior conditions of the property.

Prosecutions will still be undertaken in cases where a penalty is felt to be warranted even after the problem has been corrected. Examples of such situations are:

- The violations posed a significant and reckless endangerment;
- Repeat offences;
- A court order is sought to assist in achieving ongoing compliance of the building's condition;
or
- In the case of significant substandard living conditions to keep residents out of the building until the building has been adequately upgraded.

Land Use Compliance

There are a significant number of illegal apartments and rooming houses. Many of these also do not comply with the proposed Residential Occupancy Standards Bylaw. In such situations the Municipality will prosecute the owners for violating the land use bylaw and seek court orders to remove the illegal apartments/rooms. During this process it would be unreasonable to order the property owner to comply with the Residential Occupancy Bylaw by investing in improvements to the illegal units while the Municipality is trying to have these units removed. Staff will therefore not order improvements during this period. If the courts rule in the Municipality's favour the units will be removed. If the Municipality is unable to win the case, then improvements will be ordered.

Displaced Residents

While the purpose of this Municipal initiative is to improve living conditions and maintain community standards, some residents will be displaced. People may be displaced in the following situations:

- Illegal units are removed;
- The repairs being undertaken are so significant that people cannot reasonably live in the building while they are being undertaken; and
- The living conditions pose an immediate life safety or health risk.

In the case of an imminent life safety or health risk, residents will be removed as soon as possible. (i.e. either immediately or within a few days.) Staff has had to take this action in the past. In such situations staff cooperates with Provincial and community-based organizations to minimize the impact upon displaced residents. The Province has an emergency shelter program which has been used in these situations and in situations where people are displaced are displaced due to fire or other damage.

In all other conditions tenants will have sufficient notice to look for new accommodations. Provincial regulations require landlords to provide three months notice to tenants before they have to vacate the property. Municipal and Court Orders which require tenants to move will observe this notification requirement.

IMPACT ON BUDGET

The adoption of this Bylaw does not in itself have an impact upon the budget. Similar bylaws already exist within the Region. It should be noted however that the adoption of a new uniform and Region-wide Bylaw carries expectations of a higher level of service than can be accommodated under current budget and staff resources. This is discussed further below.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

As pointed out earlier in this report, enforcement of Residential Land Use Violations and Residential Occupancy Standards go hand in hand. In order to improve the level of service for both it is likely that additional Community Standards Officers and administrative personnel will be required for the next budget year. At least three additional Community Standards Officers will be required. This would be in addition to those positions which have been discussed at various times for other functions such as sign enforcement and improvements to existing service levels and back logged investigations. These staffing and service options will be presented in more detail for Council's consideration during the 2003/04 Business Planning and Budget process. Staff will also attempt to use existing staff resources with in Planning and Development, Fire Services and Community Projects to assist in enforcement of the proposed Bylaw although these staff cannot be dedicated to this work due to other work priorities which have to be sustained.

Some cost recovery opportunities are available to assist in funding the program from the fees which will be charged for rooming house licenses. This fee will be based upon recovering the costs associated with the annual inspection program for each licensed property. It should be noted however that most rooming houses are expected to be illegal land uses. As a result, rooming house licenses are not expected to be a significant source of revenue. Proposed fees will be introduced to Council in an Administrative Order early 2003.

ALTERNATIVES

1. Council may choose to revise the draft Bylaw, or not proceed with it in whole or in part.
2. Council may choose to apply the Bylaw throughout HRM or limit its application to specific areas
3. Council may choose to delete certain comfort and convenience provisions included in the Bylaw or expand them
4. Council may choose to vary the effective date of the proposed Bylaw, particularly as it relates to licensing of rooming houses

ATTACHMENTS

Attachment 1: Bylaw M-100 Respecting Standards for Residential Occupancies

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Prepared by: Jim Donovan (902)490-6782 , Manager of Planning Applications, Planning and Development Services donovaj@region.halifax.ns.ca

REVISED

9.2.7

BYLAW M-100
A BYLAW RESPECTING
STANDARDS FOR RESIDENTIAL OCCUPANCIES

Pursuant to Section 181 of the Municipal Government Act, BE IT ENACTED by the Council of the Halifax Regional Municipality as follows.

1. (1) This Bylaw shall be known as “Bylaw M-100” and shall be cited as the “Standards For Residential Occupancies Bylaw.” It shall apply to all residential occupancies within Halifax Regional Municipality.
- (2) Where a provision of this Bylaw conflicts with the provision of another Bylaw in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

Definitions

2. (1) Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, The Municipal Government Act and the Nova Scotia Building Code also apply to this Bylaw.
- (2) In this Bylaw:
 - (a) “**Residential Occupancy**” means the occupancy or use of a building or part thereof for sleeping accommodation but shall not include buildings where people are harboured or detained.
 - (b) “**Bathroom**” means a habitable room containing at least one toilet, one wash basin and a tub or shower.
 - (c) “**Inspector**” means the person appointed by the Chief Administrative Officer to be the Inspector of Standards for Residential Occupancies or their designate.
 - (d) “**Dwelling Unit**” means a suite operated as a house keeping unit, used or intended to be used as a domicile by one or more persons containing cooking, eating, sleeping and bathroom facilities, and includes habitable rooms.
 - (e) “**Habitable Room**” means a room designed for or which may be used for living, sleeping, eating or cooking.
 - (f) “**Fire Separation**” means a construction assembly that acts as a barrier against the spread of fire.
 - (g) “**Smoke Alarm**” means a combined smoke detector and an audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.

- (h) **“Kitchen”** means a habitable room containing a sink, storage area(s), a counter or work area(s) and space provided for cooking and refrigeration appliances including suitable electrical or gas connections.
- (i) **“Municipality”** means the Halifax Regional Municipality.
- (j) **“Order to Comply”** means a notice to the owner of a building to correct any violations of this bylaw.
- (k) **“Owner”** includes any one or combination of the following as defined in the Municipal Government Act:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building,
 - (ii) 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,
 - (iii) a person who occupies shores, beaches or shoals, and
 - (iv) in the absence of proof to the contrary, the person assessed for the property.
- (l) **“Rooming, Boarding, and Lodging House”** means any building in which three (3) or more rooms providing occupancy for no more than 2 persons per room, are rented for remuneration as separate units of residential accommodation whether or not meals or kitchen facilities are provided, but does not include apartment buildings or multiple unit dwellings as defined by various Land Use Bylaws of the HRM or a hotel licensed under the Hotel Regulations Act or an institution licensed under the Homes for Special Care Act or any other general or special Act.
- (m) **“Waterproof Finish”** means ceramic, plastic, sheet vinyl, or laminated linoleum.

General Duties and Obligations

3. The owner of a building shall maintain the building to the standards as provided in this Bylaw.
4. The owner of a building shall maintain the building to the standard to which it was required to be built.
5. The standards of this Bylaw are minimum standards and this Bylaw shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs and alterations.

Inspections

6. Where an inspection is required or conducted pursuant to this Bylaw:
- (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; and
 - (c) where a person refuses to allow the Inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this Bylaw, 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.

Orders by the Inspector

7. (1) If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this Bylaw, the Inspector shall serve or cause to be served by personal delivery or certified mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of such Order.
- (2) Every Order to Comply shall contain:
- (a) the standards to which the building does not comply;
 - (b) the date after which the building will be subject to a reinspection to ascertain compliance with the Order;
 - (c) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the reinspection.
- (3) Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order.
- (4) An owner may appeal an Order to the Dangerous or Unightly Premises Committee of the Municipality within seven days after the Order is served.
- (5) Where an owner fails to comply with the requirements of an Order within thirty days after service, the Inspector may enter upon the property and carry out the work specified in the Order.

- (6) Where the Municipality carries out the work specified in the Order, the Municipality may charge and collect the costs thereof as a first lien on the property affected.

GENERAL MAINTENANCE STANDARDS

Fire Prevention

8. (1) The owner of every building shall install a fire alarm system in conformance with the requirements of articles 9.10.17.2 and 9.10.17.3 of the Provincial Building Code.
- (2) Fire alarm systems shall be maintained in an operational condition at all times.
- (3) All required fire separations shall be maintained so as to adequately prevent the spread of fire from one compartment to the next.

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.
- (2) The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Drainage and Prevention of Dampness

10. (1) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.
- (2) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from dampness.

Foundations and Exterior Walls

11. (1) The components of every exterior wall of a building and the exterior wall shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects or animals.
- (2) Buildings shall be kept free of rodents and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pest Control Products Act.
- (3) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

Windows and Doors

12. (1) Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.
- (2) All windows that are required to be operable shall have suitable hardware so as to allow locking or otherwise securing from the inside.
- (3) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self closing device to prevent the passage of gases into the remainder of the building.

Egress

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

Stair Decks and Balconies

14. (1) Interior and exterior stairs, porches, balconies and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.
- (2) A handrail shall be installed on all stairs containing more than three (3) risers.

Fireplaces, Fuel-burning Appliances, and Chimneys

15. (1) Every fuel-fired appliance shall meet the requirements of the applicable CSA Standard and be located in a room separated from the remainder of the building by a fire separation.
- (2) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building.
- (3) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (4) Equipment that burns fuel in a building shall be effectively vented to the outside air by means of a chimney, flue, smoke pipe, vent pipe or a similar duct.

- (5) Every fireplace used, capable of being used, or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be effectively vented to the outside air by means of a chimney.
- (6) All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel, shall be maintained in good repair, and shall meet the requirements of all applicable standards.
- (7) If in the opinion of the Inspector, there is doubt as to the safety of the heating system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Heating

16. Every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 20 degrees Celsius throughout all occupied areas.

Plumbing Facilities and Fixtures

17. (1) All water supply pipes shall be provided with an adequate supply of potable running water from a source approved by the Halifax Regional Water Commission or from an approved on-site well.
 - (2) All bathroom, kitchen and laundry plumbing fixtures shall be provided with:
 - (a) a supply of hot and cold running water;
 - (b) hot water capable of being supplied at a temperature of not less than 43 degrees Celsius and a temperature of not more than 60 degrees Celsius; and
 - (c) a mixing valve shall also be provided where required by the Provincial Building Code.
 - (3) All plumbing fixtures shall be connected to the sewage system through water seal traps and be appropriately vented.
 - (4) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
 - (5) Plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

- (6) All service water heaters or coils used to supply the hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve designed to open and discharge sufficient water to keep the temperature of the water from exceeding 99 degrees Celsius and a pressure relief valve designed to open when the water pressure reaches the rated working pressure of the tank.

Electrical System

18. (1) Every building to which this bylaw applies shall be wired for electricity and shall be connected to an approved electrical supply.
- (2) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Canadian Electrical Code.
- (3) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control that fixture.
- (4) Lighting fixtures and appliances installed throughout buildings and dwellings, including stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards during normal use.
- (5) If in the opinion of the Inspector, there is doubt as to the safety of the electrical system or parts thereof, the Inspector may direct that tests of materials, equipment, devices and construction methods be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Natural Light and Ventilation

19. (1) All enclosed areas including basements, cellars, crawl spaces, and attics or roof spaces, shall be ventilated.
- (2) Every habitable room except a bathroom or toilet room shall:
 - (a) have a door, window(s), skylight or translucent panel opening directly to an outside space capable of providing ventilation; or
 - (b) where natural ventilation is not provided a means of mechanical ventilation shall be provided.
- (3) All mechanical ventilation systems shall be maintained in good working order.

Elevating Devices

20. Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and hold a current provincial license to operate.

ROOMING, BOARDING AND LODGING HOUSES

21. General Provisions

- (1) This section shall not relieve any owner of a rooming, boarding, and lodging house from compliance with all of the other standards of this Bylaw or any other applicable regulations.
- (2) The owner shall maintain the rooming, boarding and lodging house in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:
 - (a) maintain an indoor ambient temperature of 20 degrees Celsius throughout all occupied areas;
 - (b) provide working locks on all tenant sleeping rooms that are operable from inside without requiring keys or specialized knowledge;
 - (c) where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition;
 - (d) not permit cooking in any sleeping room except by the use of a microwave oven;
 - (e) provide at least one bathroom for every four occupants or less;
 - (f) not permit the use of any shared bathroom or shared kitchen for laundry purposes.

Life Safety Provisions

23. (1) All common laundry rooms shall meet the requirements of Section 3.3.1.21 of the Provincial Building Code.
- (2) Every open side of a stairway or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the Provincial Building Code.

Interior Walls, Ceilings, and Floors

- 24.(1) Every wall, partition, ceiling and floor in a habitable area of a building shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings, loose, warped or broken boards or other defects.
- (2) Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be impervious to water.

- (3) Walls surrounding showers or bathtubs shall be waterproof and the waterproof finish shall be maintained to a height of not less than:
- (a) 1.8 m above the floor in shower stalls;
 - (b) 1.2 m above the rims of bathtubs equipped with showers; and
 - (c) 400 mm above the rims of bathtubs not equipped with showers.

Bathrooms

25. (1) Every bathroom or toilet room shall be fully enclosed and provided with a door equipped with a locking device and latch.
- (2) Where a bathroom is shared by occupants an appropriate entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.
- (3) Every bathroom shall be equipped with either an operable window or a mechanical exhaust fan which shall be maintained in good working order.

Kitchens

26. (1) Every kitchen shall be equipped with:
- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) a suitable storage area of not less than 0.23 m³;
 - (c) a counter or work area at least 0.61 metres in width by 1.22 metres in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
 - (d) a suitable space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

Sleeping Rooms

27. (1) A sleeping room shall:
- (a) have a minimum floor area of 8 m² and a minimum ceiling height of 1.95 metres;
 - (b) have a minimum floor area of 5 m² per occupant, where occupied by more than one person;

- (c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical

28. (1) Electrical power shall be available at all times in all parts of every occupied dwelling.
- (2) Every habitable room in a building shall have at least two duplex receptacles.
 - (3) In sleeping rooms, bathrooms, laundry rooms or combinations thereof:
 - (a) where the separation distance between shower, tub, or shower/ tub combination and a duplex receptacle is less than 3 metres the receptacle shall be protected by ground fault interruption; and
 - (b) in no instance shall duplex receptacles be placed any closer than 1 metre to a shower, tub, or shower/tub combination.

Windows

29. The area of window(s), skylight or translucent panel required by 19 (2) shall not be less than five (5) percent of the floor area for sleeping rooms.

Additional Provisions

30. In addition to the General Provisions, the building shall comply with the following:
- (a) every sleeping room shall have at the entrance a solid core door with self closing device and positive latching mechanism acceptable to the Inspector;
 - (b) every floor level containing sleeping rooms shall be served by at least one (1) exit or acceptable means of emergency egress.
 - (c) all floor assemblies shall be constructed as fire separations;
 - (d) buildings with 10 or less persons occupying sleeping rooms shall provide and maintain a smoke alarm system comprised of the following:
 - (i) in each common hallway and on the ceiling of each floor adjacent to the stairways a photo-electric ULC smoke alarm with a visual indication that it is in operating condition;
 - (ii) such alarms shall be electrically interconnected with each other so that each alarm will sound in all others throughout the building;
 - (iii) this system shall be installed using permanent connections to an electrical circuit used for lighting, excluding kitchen circuits, and shall have no disconnect switch between the over current device and the smoke alarms.

- (iv) all sleeping rooms shall be equipped with smoke alarms.
- e) shall have portable fire extinguishers as per the National Fire Code;
- f) emergency lighting shall be installed in all common areas;
- (g) all sleeping rooms, kitchens, service rooms and laundry rooms shall be separated from the remainder of the building by a fire separation;
- (h) all sleeping rooms shall have windows which meet the egress requirements of the Provincial Building Code or be provided with an exterior exit; and
- (i) at least one copy of the fire safety plan shall be prominently posted on each floor as approved by the Inspector.

Licensing Requirements

31. (1) No person shall operate a rooming, boarding and lodging house in the Municipality which is not validly licensed under this Bylaw.
- (2) No license granted under the provisions of this Bylaw shall be assigned or transferred by the person to whom it is issued.
- (3) Every application for a license to operate a rooming, boarding and lodging house shall be submitted to the Inspector on the appropriate application form, together with appropriate fee, and such application shall include the following documentation and information:
- (a) name and address of the Applicant;
 - (b) address of the rooming, boarding and lodging house for which the licence is sought;
 - (c) in the event that the Applicant does not reside permanently in the Municipality, the name and signed consent of a person 19 years of age or over who will reside permanently in the Municipality as Agent of the Applicant for purposes of this Bylaw;
 - (d) maximum number of occupants and number of rooms available for such purposes;
 - (e) number of bathrooms in the premises;
 - (f) location and capacity of rooms to be used for dining purposes, and
 - (g) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a license held in the previous year for the same premises, and if such application states that there has been no change in number, location, size and use of the rooms in such premises since the time of issue of the former license.
- (4) If the application complies with the provisions of this Bylaw and with all other relevant by-laws of the Municipality, the Inspector shall issue a licence specifying the number of

rooms available and maximum number of occupants permitted.

- (5) The license shall be valid for one (1) year from date of issuance.
- (6) Every license issued hereunder shall be displayed in a prominent place in the main entranceway of the premises for which it is issued.
- (7) No application shall be approved and any license already issued shall be revoked if the Inspector determines that:
 - (a) any material information contained in the application is false or is incomplete in any respect;
 - (b) the premises for which the application is filed do not comply with the provisions of this Bylaw;
 - (c) the rooming, boarding and lodging house is operated in a manner contrary to this Bylaw;
 - (d) the rooming, boarding and lodging house is in violation of any other Bylaw affecting such premises or is in violation of the Public Health Act or any regulation thereunder.
- (8) The owner may appeal the Inspector's decision to refuse to issue a license or revocation of an existing license to the License Appeals Committee of the Municipality within seven days of being notified of the decision.

Penalties

- (32) (1) Failure to meet each and every standard specified in this Bylaw shall constitute a separate and distinct offence.
- (2) Every person who violates or fails to comply with any of the provisions of this Bylaw shall be liable, upon summary conviction, to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding sixty (90) days.
- (3) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this Bylaw, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.

Repeal

- (33) (1) The following Bylaws are hereby repealed:
- (a) City of Halifax Ordinance No. 157 - "Housing and Building Standards Ordinance";
 - (b) City of Dartmouth Bylaw M - 101 - "Minimum Standard of Use and Maintenance Bylaw";
 - (c) Halifax County Bylaw No. 53 - "Minimum Standards Bylaw"; and
 - (d) City of Dartmouth Bylaw - "Lodging House Bylaw".
- (2) Bylaw No. F-100 - "Fire Protection Bylaw is hereby amended by:
- (a) deleting the definition for "Residential Occupancy (Group C) in Article 1.2.1.2;
 - (b) deleting the definition for "Rooming House (Lodging House) in Article 1.2.1.2; and
 - (c) deleting sentences (1), (2) and (3) of article 2.1.3.4.