

**THE ELLIOT LAKE  
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,  
Commissioner



**LA COMMISSION D'ENQUÊTE  
SUR ELLIOT LAKE**

L'honorable Paul R. Bélanger,  
Commissaire

**Property Maintenance and Repair  
Policies, Regulations, Legislation and By-Laws**

**October 2013**

## Property Maintenance and Repair

### Policies, Regulations, Legislation and By-Laws

A.	Overview .....	4
B.	Summary Chart.....	5
C.	Property Standards By-Laws in Ontario.....	11
	(a) City of Thunder Bay .....	12
	(b) City of Toronto .....	14
	(c) City of Sarnia .....	17
	(d) City of Sudbury.....	19
	(e) City of Sault Ste. Marie .....	20
	(f) City of Pembroke .....	21
	(g) City of Kitchener.....	22
	(h) City of North Bay .....	25
	(i) City of London .....	26
D.	Public Buildings Generally.....	29
	(a) Manitoba .....	29
	(b) Alberta .....	33
	(c) Quebec .....	35
E.	Public Housing .....	46
	(a) Alberta .....	46
F.	Dams .....	48
	(a) Quebec .....	48
	(b) Newfoundland and Labrador .....	49
G.	Steam and Pressure Plants.....	51
	(a) Manitoba .....	51
H.	Schools and Child-Care Facilities .....	52
	(a) Ontario.....	52

(b)	Prince Edward Island .....	53
(c)	Alberta .....	54
I.	Private Hospitals.....	55
(a)	British Columbia.....	55
(b)	Ontario.....	56
J.	Special Care Facilities.....	56
(a)	Ontario.....	56
(b)	Nova Scotia .....	58
(c)	Prince Edward Island .....	59
(d)	British Columbia .....	61
(e)	Newfoundland and Labrador .....	63
K.	Bridges and Tunnels.....	64
(a)	Federal .....	64
(b)	Ontario.....	68
L.	Marine Facilities .....	68
(a)	Federal .....	68
M.	Airports and Aerodromes.....	69
(a)	Federal .....	69
N.	Theatres and Places of Amusement .....	71
(a)	Nova Scotia .....	71
O.	Condominiums .....	73
(a)	Ontario.....	73
P.	Fire Safety Legislation .....	81
(a)	New Brunswick.....	81
(b)	Ontario.....	82
(c)	Saskatchewan .....	84
(d)	Manitoba .....	85
Q.	Workplaces.....	88
(a)	Ontario.....	88

(b)	British Columbia .....	90
(c)	Nova Scotia .....	92
(d)	Alberta .....	94
R.	Used Vehicles .....	96
(a)	Ontario.....	96
S.	Appendix: Ontario Municipalities – Property Standards By-Law Coverage.....	100

## A. Overview

This paper summarizes the maintenance and repair requirements for buildings and structures required in different provinces, as well as any corresponding inspection regimes in place. It is not exhaustive but generally covers most regulated buildings and structures. It provides examples of what the scheme looks like in different provinces, where more than one province regulates that type of building or structure.

The first section considers only the Property Standards by-laws in different municipalities across Ontario. Under the *Building Code Act, 1992*, SO 1992, c 23, it is not mandatory for a municipality to pass a by-law regulating property standards. Municipalities have discretion with respect to the form and content of these by-laws, therefore, minimum standards and enforcement regimes vary significantly. For example, some require buildings to be watertight, while others have no such requirement. Some enforcement policies explicitly require a written complaint on a proper form with the complainant’s information identified, while others allow for anonymous complaints. Some enforcement policies are explicitly reactive, while others remain silent on enforcement. Since many municipalities have no written policy on the enforcement of their Property Standards by-law, much of the information regarding unwritten enforcement policies was provided to the Commission by Chief Building Officials and others within the Building Department or the By-Law Enforcement Department, where there was one.

The appendix at the end of the paper is a helpful summary of municipalities and townships with and without a Property Standards by-law, provided by the Ministry of Municipal Affairs and Housing. This Ministry investigates property standards complaints in areas in which there is no Property Standards by-law in place. This information is current to the best of the Ministry’s knowledge; however, the Ministry relies on municipalities to report any changes in their policies and so the accuracy of the information cannot be guaranteed.

The next sections consider the maintenance and repair obligations for building and structures which are regulated: public buildings generally, public housing, dams, pressure plants, schools, child care facilities, private hospitals, special care facilities, bridges, tunnels, marine facilities, airports and aerodromes, and theatres and places of amusement.

There are many different inspection regimes for publicly accessible buildings. Of note, however, are Quebec’s recent additions to the *Safety Code*, RRQ, c B-1.1, r 3, a regulation under the *Building Act*, RSQ, c B-1.1. The sections, which came into force in March 2013, include a requirement that a building’s façade be inspected by an engineer at the owner’s expense every five years to ensure the façade does not become a danger to the public.

Next, this paper looks at fire safety legislation in various provinces and their interaction with matters related to building maintenance, repair and safety. It also considers the authority under fire safety legislation to demolish or close down a building for safety reasons as well as the legislation’s inspection regime.

The occupational health and safety schemes of different provinces are then considered, specifically, the relevant substantive obligations on employers and the inspection and enforcement policies of each province.

Finally, the used vehicle disclosure requirements in Ontario are highlighted as a useful contrast to the lack of legislated disclosure requirements in the sale of buildings.

## B. Summary Chart

The following chart summarizes the provisions found in provincial legislation relating to maintenance and repair obligations of buildings and structures. Excluded are provisions dealing with municipal Property Standards by-laws, provincial fire safety legislation and occupational health and safety, as well as Ontario’s used vehicle regime.

Subject Matter	Act or Regulation	Maintenance Provisions	Inspections	Inspection Frequency	Who Inspects	Report Issued?
Public Buildings	<i>Dwellings and Buildings Regulation</i> , Man Reg 322/88R	s. 9(1): All roofs of buildings must be water-tight	s. 83(1)  Not mandatory	Not specified	Provincial inspector	Not in relation to inspections
Public Buildings	<i>Public Health Act</i> , RSA 2000, c P-37	s. 66(2): Minister may make regulations re: maintenance of public	s. 59(1)  Not mandatory	Not specified	Provincial inspector (“executive	A report arising from an inspection may be

		places			officer” appointed by a “regional health authority”)	published by the province (s. 74(a))
Public Buildings	<i>Safety Code, RRQ, c B-1.1, r 3</i>	<p>s. 345: buildings intended for public use must be maintained in a safe and proper working condition</p> <p>s. 372: façades must be maintained to ensure safety and avoid a dangerous condition</p> <p>s. 388: multi-storey garages must be maintained to ensure safety and avoid a dangerous condition</p>	<p>s. 374: owners must obtain engineering reports every 5 years stating the façade is not in a dangerous condition</p> <p>s. 389: owners of multi-storey garages must obtain an engineering report every 5 years stating the garage is not in a dangerous condition</p>	Every 5 years for façades and multi-storey garages	Inspection of façades or multi-storey garages are carried out by engineers at the owner’s cost	<p>Owners must obtain an engineering report every 5 years for façades and multi-storey parking garages</p> <p>ss. 373 and 387: façade inspection reports and multi-storey garage verification reports must be kept on site for provincial authorities to review them</p>
Public Housing	<i>Housing Regulation, Alta Reg 173/1999</i>	<p>s. 3(1): owners must ensure housing premises are structurally sound, in a safe condition, in good repair and kept waterproofed.</p> <p>s. 4: owners must comply with minimum health standards as published by the Minister</p>	See <i>Public Health Act, RSA 2000, c P-37</i> above	See <i>Public Health Act, RSA 2000, c P-37</i> above	See <i>Public Health Act, RSA 2000, c P-37</i> above	See <i>Public Health Act, RSA 2000, c P-37</i> above
Dams	<i>The Dam Safety Regulation, RRQ, c S-3.1.01, r 1</i>	ss. 20-29: an owner must ensure the dam meets the prescribed minimum safety standards	<p>ss. 41-47: owner must ensure that periodic inspections of dams are carried out, at a minimum, on a yearly basis</p> <p>Dam safety reviews include a thorough inspection of every structural component (s. 48(1)(a))</p>	<p>1, 2, 3, 6 or 12 regular inspections annually, depending on the dam’s classification (s. 42)</p> <p>Dam safety reviews must be conducted every 10, 15 or 20 years depending on the dam’s classification (ss. 48-50)</p>	s. 45: depending on classification, dam site inspections may be carried out by someone familiar with the dam, under the supervision of an engineer or by an engineer. Formal inspections and dam reviews must be done by an engineer (ss. 45 and 49)	s. 50: dam safety review reports must be sent to the Minister
Dams	<i>Water Resources Act, SNL 2002, c W-4.01</i>	s. 43(1): owner must keep dam in good repair	s. 23(1): anyone can complain to the minister if an owner fails to keep the dam in a proper and safe condition	Not specified. According to s. 43(2), an owner shall conduct periodic inspections of the	s. 23(2): a provincial inspector carries out the inspection if it is as a result of a	s. 23(2): if a complaint is received, an inspector prepares a report and submits it to

			<p>s. 23(2): if a complaint is received, an inspector will investigate and prepare a report and will submit it to the minister</p> <p>s. 23(3): based on the report, the Minister will either order remedial work or dismiss the complaint</p>	dam to ensure structural stability in accordance with the regulations. However, no regulations speak to this requirement.	complaint	the Minister
Pressure Plants	<i>Steam and Pressure Plants Act, C.C.S.M. c. S210</i>	<p>s. 3(1): minister shall cause regular inspections of pressure plants and special inspections if it is reported that a plant is unsafe</p> <p>s. 3(2): if a defect is discovered, the minister shall require the defective plant to be repaired or replaced</p>	s. 3(1)	s. 3(3): Annually, as far as practicably possible	Provincial inspectors carry out inspections (s. 7(1))	s. 4: the minister shall keep a record of all inspection reports including any orders, repairs or replacements ordered by the inspector
Schools	<i>Ontario Schools For The Blind And The Deaf, RRO 1990, Reg 296</i>	----	s. 18(k): superintendent shall arrange for regular inspection of the school premises and report to the Ministry any repairs required	Not specified	Not specified	s. 18(k): any repairs required to be made by Ministry of Infrastructure shall be reported to that Ministry
Schools	<i>Operation of Schools - General, RRO 1990, Reg 298</i>	----	s. 11(3)(l): principals must inspect school premises weekly and report to the board any required repairs	Weekly	Principals	s. 11(3)(l): principals must report to school board any required repairs
Child Care Facilities	PEI Reg EC475/87	15(2): a facility shall be in a state of good repair according to any requirements in the <i>Public Health Act</i> and subject to standards in the regulations	15(1): a facility shall be inspected for initial licensure and at least annually thereafter by a public health officer.	At least annually	Public Health Officer	s. 10(2): following the inspection of a facility, an inspector must make the findings, recommendations and directions known to the licensee and to the Board
Child Care Facilities	<i>Institutions Regulation, Alta Reg 143/1981</i>	s. 6: land and premises must be in a good, safe and sanitary state of repair	Not specified	Not specified	Not specified	Not specified
Child Care Facilities	<i>Child Care Licensing</i>		s. 5: a director may examine or cause to	Not specified	The director or others (s. 5)	Not specified

	<i>Regulation, Alta Reg 143/2008</i>	-----	be examined the premises before issuing or renewing a child care license			
Private Hospitals	<i>Hospital Act, RSBC 1996, c 200</i>	-----	s. 7(4): before issuing a licence, the minister may require applicants to establish that the house has been recently inspected by the fire commissioner, the building inspector and other inspectors and officials  s.19(1): inspectors may inspect to determine whether patient are under safe conditions	Not specified	A provincial inspector (s. 19(1)), a fire commissioner, a building inspector or others (s. 7(4))	Not specified
Special Care Facilities	<i>Retirement Homes Regulation, O Reg 166/11</i>	s.19: a retirement home shall be maintained in good repair	s. 58.1: retirement homes shall be inspected at least every 3 years	At least once every 3 years	Inspectors appointed under the <i>Retirement Homes Act, 2010, SO 2010, c 11 (s. 76 of the Act)</i>	Reports are issued to the licensee, the Registrar and the Residents' Council, if any (s. 77(14) and s. 77(16) of the Act)
Special Care Facilities	<i>Homes for Special Care Regulations, NS Reg 127/77</i>	s. 30: the exterior of the special care home shall be maintained in good repair	s. 17(2): residential care facilities, homes for the aged and homes for the disabled shall be inspected at least once a year by an inspector appointed under the Act  s. 17(3): nursing homes shall be inspected at least twice a year by an inspector appointed under the Act	At least once a year for residential care facilities, homes for the aged and homes for the disabled  At least twice a year for nursing homes	Provincial inspectors carry out inspections but home administrators must ensure inspections take place (s. 29A(1))	Not specified
Special Care Facilities	<i>Nursing Home Regulations, PEI Reg EC10/88</i>  <i>Community Care Facilities and Nursing Homes Act, RSPEI 1988, c C-13</i>	s. 9(1) of the regulation: any building used or intended to be used as a nursing home must be inspected for initial licensure and annually thereafter in respect of physical structure and electrical safety	s. 11(1) of the Act: The Minister may appoint inspectors.  s. 11(2) of the Act: inspectors shall periodically inspect licensed facilities	At initial licensure and annually thereafter	Provincial inspectors carry out inspections	s. 11 (7) of the Act: An inspector shall report his findings on an inspection to the Community Care Facilities and Nursing Homes Board.
Special Care Facilities	<i>Residential Care Regulation, BC Reg 96/2009</i>	s.22 of the regulation: all rooms and common areas must	s. 9(1) of the Act: inspector may examine any part of	Not specified	Provincial inspectors carry out inspections	s. 4(1)(a) of the Act: the director of licensing may

	<i>Community Care and Assisted Living Act, SBC 2002, c 75</i>	be maintained in a good state of repair	the facility			request reports
Special Care Facilities	<i>Personal Care Home Regulations, NLR 15/01</i>	15. (1) The minister shall establish policies and guidelines with respect to the standards required for the licensing of a personal care home, ... and the building, structure, facilities and operation of personal care homes	Inspections are mandated in Provincial Personal Care Home Program Operational Standards published by the Department of Health and Community Services	On initial licensure. Thereafter, the Regional Health Authority visit quarterly to ensure compliance with standards. To renew a license, the Government Service Centre also inspects: see Provincial Personal Care Home Program Operational Standards published by the Department of Health and Community Services	Provincial authorities carry out inspection	Reports are published annually: see Provincial Personal Care Home Program Operational Standards published by the Department of Health and Community Services
Bridges and Tunnels	<i>International Bridges and Tunnels Regulations, SOR/2009-17</i>	-----	ss.4-7: owners of international bridges and international tunnels must cause them to be inspected regularly	A detailed visual inspection of an international bridge must be conducted at least every two years (s. 5(1)), while a detailed visual inspection of an international tunnel must be conducted at least every year (s. 6(1)). An underwater inspection of an international bridge must be conducted at least once every five years (s. 5(2)).	Professional engineers hired by the owner carry out the inspections and sign the letter which accompanies the ensuing report (s. 9(2))	s. 8: Owners must submit inspection reports to the Minister
Bridges	<i>Bridges Act, RSC 1985, c B-8</i>	-----	s. 7: the Minister may direct a provincial engineer to inspect and report on any bridge which may be unsafe	Not specified	Provincial engineers (s. 7)	Minister may ask for a report from the inspecting engineer (s. 7)
Bridges	<i>Standards for Bridges, O Reg 104/97</i>	s. 3: every bridge must be kept safe and in good repair	s. 2(3): mandatory bi-annual inspections	s. 2(3): bi-annually	Professional engineer (s. 2(3))	Not specified

Marine Facilities	SOR/2004-144	s. 318(a): “marine facility security assessments” must address the structural integrity of the marine facility	s. 318	Not specified	s. 316 specifies skills and knowledge of person carrying out assessment	Not specified
Airports and aerodromes	<i>Canadian Aviation Regulations</i> , SOR/96-433	s. 9.4 of the Aerodromes Standards and Recommended Practices: a maintenance program shall be established to maintain facilities in a safe and efficient condition.	ss. 301.02/301.07(1)(b): The operator of an aerodrome/airport shall allow inspectors access to the facilities and provide the equipment necessary to conduct an inspection	Not specified	Department of Transport inspector	Not specified
Theatres etc.	<i>Theatres and Amusements Act</i> , RSNS 1989  <i>Theatres and Amusements Regulations</i> , NS Reg 90/2005	-----	s. 5(6D) of the Act: Minister may appoint inspectors  s. 5(7) of the Act: inspectors may enter and inspect	Fire Marshall or fire official inspect before a license is issued (ss. 17(4) and 37(4) of the regulation)  Fire Marshall or fire official inspect before a license is renewed (ss. 17(5) and 37(5) of the regulation)	ss. 17(4), 17(5), 37(4) and 37(5) of the regulations: Fire Marshall or fire official inspect to ensure compliance with <i>Fire Safety Act</i> and <i>Building Code Act</i>  Provincial inspectors inspect to enforce the Act and regs (s. 5(7))	Not specified
Condominiums	<i>Condominium Act, 1998</i> , S.O. 1998. c. 19  O. Reg. 48/01	-----	s. 94 of the Act: Condo corporation must undertake periodic reserve fund studies to ensure there are enough assets to cover maintenance and repair costs  s. 29 of the Regulation: reserve fund studies have a physical analysis component  s. 30 of the Regulation: the physical analysis requires an inspection of the premises and components	Every three (3) years (s. 31 of the regulation)	s. 32 of the regulation: certain classes of people may inspect including professional engineers, architects, architectural technologists and surveyors  S.94(7) of the Act: the cost of the study is to be considered a common expense and may be taken from the reserve fund	After receiving the reserve fund study, the corporation must prepare a plan for future funding and distribute it to the auditor as well as to owners (ss. 94(8) and 94(9) of the Act)

## C. Property Standards By-Laws in Ontario

Along with the power given to municipalities to enact by-laws that address property standards and maintenance, the *Building Code Act* also gives the power to the Lieutenant Governor in Council to enact regulations for existing buildings with respect to their maintenance, retrofit, operation, occupancy and repair. Section 43(2) provides,

34.

...

### **Standards for existing buildings**

(2) The Lieutenant Governor in Council may make regulations to establish standards that existing buildings must meet even though no construction is proposed, including regulations,

(a) prescribing any or all of the matters set out in subsection (1) as applicable to existing buildings;

(b) establishing standards for maintenance, retrofit, operation, occupancy and repair;

(c) prescribing standards related to resource conservation and environmental protection; and

(d) prescribing standards, methods and equipment for the inspection, cleaning, disinfecting and emptying of sewage systems.

Although this section has been in place since 1992, the province has never enacted any regulations addressing maintenance and repair standards for existing buildings. Therefore, municipalities are left to enact a Property Standards By-law, if it so wishes, pursuant to section 15.1 of the *Building Code Act*.

To be able to enact a Property Standards By-law, a municipality must have in effect an official plan that includes provisions relating to property conditions or it must have adopted a policy statement containing provisions relating to property conditions, pursuant to s. 15.1(2) of the Act. These preconditions are set out in section 15.1(3) of the Act:

### **Standards for maintenance and occupancy**

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality

or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

The following are examples of municipalities that have passed a Property Standards By-Law. Two substantive provisions are considered: 1) the requirement that buildings be watertight; and 2) the requirement that buildings be structurally sound. These are of particular significance given the property standards violations that occurred in the Algo Centre Mall in Elliot Lake.

In addition, for each municipality, the policy with respect to enforcement of the by-law is examined.

#### **(a) City of Thunder Bay**

The City of Thunder Bay's Property Standards By-law requires that all buildings be structurally sound:

##### **2.04 Structural Adequacy**

(a) Every Owner of a Building or Structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.

(b) If, in the opinion of a Municipal Law Enforcement Officer, in consultation with the Manager, there is doubt as to the structural condition and adequacy of a Building or Structure, the Municipal Law Enforcement Officer may order that the Building or Structure be examined by a Professional, at the Owner's expense, and that the Professional provide a written report. The written report, including drawings, signed and sealed by the Professional, and giving details of the findings of the examination, shall be submitted to the Municipal Law Enforcement Officer.

(c) Examination and testing of any Building or Structure shall be conducted in a manner acceptable to the Manager and at the Owner's expense.

(d) Details and drawings of all temporary shoring or other work deemed necessary by the Professional shall be included with the report required by Subsection 2.04(b) above.

(d) All remedial or temporary work recommended by the Professional shall be completed by the Owner in the manner and within the time which shall be specified by the Municipal Law Enforcement Officer or Manager.

(e) On completion of all of the work, the Owner shall cause a report signed and sealed by the Professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the Manager.

The by-law also requires roofs to be kept in a watertight condition:

### **2.07 Exterior Building Requirements**

Every Owner of a Building must:

(a) keep walls, roofs and other exterior parts of that Building free from loose or improperly-secured objects or materials;

(b) keep walls, roofs and other exterior parts of that Building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;

(c) treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or Vermin;

...

(e) maintain the roof of that Building, including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the Building;

...

The by-law provides the following with respect to inspections:

### **8.04 Notices of Violation**

A Municipal Law Enforcement Officer who finds, upon inspection, that Land does not conform to any of the applicable standards prescribed in this By-law, shall attempt to persuade the Owner or Occupant to undertake the necessary action to bring the Land up to the applicable standard.

A Municipal Law Enforcement Officer who is unable to persuade the Owner or Occupant to correct deficiencies in or on the Land, shall, subject to Section 8.11, provide all Owners, Occupants, and persons listed on the Registry, with notice of his or her observations.

Although there are no mandatory inspections, vacant properties are singled out for special consideration:

### **6.03 Annual Interior Inspections of Buildings on Vacated Property**

In addition to any other inspections of a Building on Vacated Property as required or permitted under this By-law or any applicable legislation, a Municipal Law Enforcement Officer may, at least once each calendar year, conduct an interior inspection of a Building on a Vacated Property after providing reasonable notice to the Owner.

While the by-law does not specify whether inspections are initiated by complaints or whether they are proactive, a resolution of the City's Committee of the Whole addressing enforcement was passed in 1987 and confirmed by Council. The resolution remains unchanged.

The resolution lists, *inter alia*, the following characteristics for the City's property standards enforcement policy:

- a) Initial investigation of alleged by-law violations will be conducted upon receipt of a complaint;
- b) Complainant identity will be kept confidential; anonymous complaints will not be investigated;
- c) Investigations will remain active until by-law violations is corrected;
- d) By-Law Enforcement Officers will seek voluntary compliance and take appropriate action including initiating legal proceedings if necessary, in cases of non-compliance[.]

According to the City's Manager of Licensing and Enforcement, the practice, as is reflected in the resolution, is that inspections are complaint-driven; however, officers are instructed that, if while investigating a complaint they come across a dangerous situation involving a property standards violation for which there is no complaint, they are to investigate and issue a notice of violation if required. Officers are not to turn a blind eye to situations which clearly pose a danger or a threat to public safety simply because a member of the public has not initiated a complaint with respect to that situation.

### **(b) City of Toronto**

The City of Toronto has two by-laws dealing with property standards. Property Standards By-law 629 covers the specific maintenance and repair requirements, and the Property Standards Committee Procedure By-law sets out how the Property Standards Committee is to function.

Section 16 of the Property Standards By-Law states,

A. Every part of a building or structure shall be maintained in good repair and in a structurally sound condition so as:

(1) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;

(2) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and

(3) To prevent the entry of moisture that would contribute to damage, decay or deterioration.

B. Foundation walls, basements, cellars and crawl spaces and other supporting members of a building or structure shall be maintained in good repair and structurally sound.

C. For purposes of this section, “structure” includes a fence, shed or other small building in addition to structures defined in the *Ontario Building Code Act, 1992*.

In addition, section 20A and 20B provide,

A. Every roof of a building and all its components shall be weather-tight and free from leaks, loose, unsecured or unsafe objects and materials, dangerous accumulation of ice and snow, and hazards.

B. Roof decks, catwalks and related guards shall be maintained in good repair.

Neither by-law addresses inspections, nor do they address property standards officers or their functioning. The only indication that inspections are exclusively not complaint-driven is found in the Property Standards Committee Procedure By-law, which states,

Each committee hearing panel shall hear appeals of orders made under subsection 15.2(2) of the *Building Code Act, 1992* respecting property in the geographic area of one of the service delivery districts of the department of Urban Development Services

Subsection 15.2(2) of the *Building Code Act, 1992* provides:

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

(a) stating the municipal address or the legal description of the property;

(b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

(d) indicating the final date for giving notice of appeal from the order.

Therefore, it appears as though the only requirement for the making of an Order under the City of Toronto's Property Standards Bylaw is that an officer find "that a property does not confirm with any of the standards prescribed" in the by-law.

Investigation of property standards violations is done through the Investigations branch of the Municipal Licensing & Standards Division of the City of Toronto. Its website states,

Investigation Services enforces by-laws by responding to complaints from the public and proactively initiating inspections and investigations related to right-of-way permits, noise, zoning, garage sales, signs, clothing drop boxes, and property maintenance, including property standards, waste, fences, heat/vital services, long grass and weeds, and graffiti. [Emphasis added.]

According to the Director of Investigation Services of the Municipal Licensing and Standards division, there is no resolution of Council or policy directive approved by Council. Rather, enforcement is an operational policy, and it includes proactive and reactive enforcement. If an officer is out investigating a complaint – which they refer to as a "service call" – and sees an obvious violation, the officer will respond to that violation in the form of a Notice of Violation or an Order to Comply.

The policy of the City of Toronto is that "all complainants and their information are kept confidential." ([http://www.toronto.ca/licensing/enforcement\\_faq.htm](http://www.toronto.ca/licensing/enforcement_faq.htm)). While it is preferable that the complainant provide his or her contact information, they will respond to anonymous complaints.

### **(c) City of Sarnia**

The Property Standards By-law of the City of Sarnia requires non-residential buildings to be maintained in a structurally sound condition:

#### **5.2 STRUCTURAL SOUNDNESS**

- a) Every part of a building structure shall be maintained in a sound condition by the owner so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the *Ontario Building Code*. Structural members of materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- b) Walls, roof and other exterior parts of a building or structure shall be kept free from loose or improperly secured objects or materials by the owner.

A similar provision exists for residential properties (see section 3.3 of the by-law).

In contrast, the requirement that a building be maintained in a “weather tight” condition only exists for residential properties:

#### **3.6. ROOFS**

- a) Owners shall maintain roofs, including shingles, fascia board, soffit and cornice in a weather tight condition, free from loose or unsecured objects or materials.
- b) Owners shall maintain eavestroughing, roof gutters and downspouts in good repair, free from obstructions and properly secured to the building.

The by-law provides that Property Standards Officers are to inspect premises and issue orders. The by-law does not specify what triggers an inspection, only that

[i]f, after inspection, the Property Standards Officer is satisfied that in any respect the property does not conform to the standards prescribed in this By-Law, the Officer shall serve an ORDER upon the owner of the property and such other persons affected by it as the Officer determines and a copy of the ORDER may be posted on the property.

Thus, orders are mandatory if an inspector deems that there has been a contravention of the Property Standards By-law.

For a complaint to be investigated, the complainant must be willing to identify him or herself: “Any individual who brings to the City's attention a potential property standards or debris by-law violation must be willing to leave their name, address and/or phone number, otherwise the matter will not be

investigated.” (<http://www.city.sarnia.on.ca/visit.asp?sectionid=143>) However, the City’s position with respect to all anonymous complaints, whether they are related to property standards or not, is that

[w]here anonymous information is received and it is of a criminal activity and/or poses a threat to a person or property, i.e. a building violation which may cause a health or safety hazard, it should immediately be brought to the attention of the Department Head and City Manager, who will take appropriate action which may include bringing it to the attention of the Sarnia Police Services.

[City of Sarnia Policy re: Anonymous Mail, Telephone Calls, and E-Mail Correspondence]

The Planning and Building Department also has an internal document dealing with anonymous property standards complaints. It states that if the Mayor or Council receive a complaint and wish to pass it on as anonymous, enforcement staff will investigate and the complaint will be marked as having been received by Council. If an anonymous complaint is received by the City Manager, Planning & Building Director or Chief Building Official, and direction to investigate is given, enforcement staff will investigate and mark the complaint as received by the City Manager, Director or Manager. If enforcement staff comes across a risk to life and safety during their day, they can, and are expected to, deal with the issue. Thus no complainant is needed in that kind of a situation.

Consistent with the general policy regarding anonymous complaints, if a complaint describes an imminent risk but the complainant’s information is not provided upon request, staff would still investigate and follow through to remove the threat. These “non complainant” issues are described as “rare” in the internal document and comprising “less than 3% of our files +/- 20 a year.”

While there is no resolution of Council or by-law addressing what triggers an inspection under the by-law, there is a flow chart prepared by the Planning and Building Department in March 2007, which was presented to Council and approved by it. The flow chart relates generally to how property standards enforcement will be carried out and it begins with “complaint filed”, followed by “inspection generally within 1 week”. This suggests a complaint is required for an inspection to take place. If no violations are found, the file is closed. If a violation is found, an Order to Comply is issued with specifics for repairs and compliance. There is a follow-up inspection to see if the violation has been corrected. If it has not, work may be undertaken by the City and the costs recovered through a lien on the property or a charge may be laid.

#### **(d) City of Sudbury**

The City of Sudbury's Property Standards By-law requires all buildings to be structurally sound:

##### **3.01 STRUCTURAL ADEQUACY-CAPACITY**

1. Every part of a building or structure on a property shall be maintained in good repair and in a structurally sound condition so as:

- a. to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
- b. to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- c. to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
- d. to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

The by-law also addresses the condition of roofs:

##### **3.07 ROOF**

1. Every roof, and all of its components, shall be maintained in good repair and in a safe and structurally sound condition.

2. Without restricting the generality of this Section, such maintenance includes:

- a. removal of loose, unsecured or rusted objects or materials;
- b. removal of dangerous accumulations of snow or ice;
- c. keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
- d. keeping all roof-related structures plumb unless specifically designed to be other than vertical.

The by-law does not address how enforcement is carried out or what is required to trigger an inspection; however, city officials indicate that enforcement is typically reactive, although there is no written policy or resolution of Council stating that it cannot be pro-active.

### **(e) City of Sault Ste. Marie**

The City of Sault Ste. Marie's Property Standards By-law requires buildings to be structurally sound:

#### **3.01 STRUCTURAL ADEQUACY-CAPACITY**

1. All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
  - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
  - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
  - d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

Section 3.07 of the by-law relates to the maintenance of roofs:

#### **3.07 ROOF**

1. Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
2. Without restricting the generality of this Section, such maintenance includes:
  - a) removal of loose, unsecured or rusted objects or materials;
  - b) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
  - c) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

The by-law does not address how enforcement is carried out or what is required to trigger an inspection; however, city officials indicate that the practice is that enforcement is complaint-driven. If

building officials or inspectors see an unsafe condition, they may initiate a complaint themselves. New councillors are trained to funnel all complaints, whether oral or in writing, to the building department. There is, however, no written policy of enforcement and no resolution of Council indicating how enforcement should take place.

#### **(f) City of Pembroke**

Pembroke is similar in size to Elliot Lake with a population of approximately 14,000.

The City of Pembroke's Property Standards By-law requires that all buildings be structurally sound:

Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use. [Section 4.1.2]

In addition, roofs must be kept in a watertight condition:

The roof of every building, including the fascia board, soffit, cornice, flashing and eaves trough shall be maintained in good repair and in watertight condition so as to prevent leakage of water into the building. [Section 4.1.3]

The by-law is more comprehensive in setting out its administration than some larger municipalities, such as Sudbury or Sault Ste. Marie.

The by-law provides that all complaints must be made in writing:

5.2 All complaints submitted shall be in writing to include date, name, contact information of the complainant, address of the property believed to be in contravention of this by-law including nature of complaint, and signature, should the matter proceed to court then this information is required.

The by-law does not indicate that the inspection process is complaint-driven; however, city officials confirm that it is, even though there is no written policy or resolution of Council to that effect. A complaint must not be on the phone or in person. If such a complaint comes in, the person making the complaint is advised that the building department will not act on such a complaint. The person is encouraged to make the complaint in writing. This is done in order to back up any city action with respect to a property if the matter comes before a Justice of the Peace. In addition, if a building official sees an unsafe condition in the absence of a complaint, no action is taken by the official until a complaint is received in writing.

Unlike other cities' Property Standards By-laws which designate the Chief Building Official as responsible for enforcement and administration, Pembroke's Property Standards Bylaw designates a Property Standards Officer as enforcer and administrator:

5.4.1 The Council of the municipality shall assign a Property Standards Officer(s) as being responsible for the administration and enforcement of this by-law.

Although the practice of enforcement is complaint-driven, the by-law seems to indicate that a Property Standards Officer may conduct an inspection at any time:

5.4.2 The Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

(1) Whether the property conforms with the standards prescribed in the by-law; or

(2) Whether an order made under section (5.4.3) has been complied with.

Issuing an order under the by-law is optional:

5.4.3 If after inspection the officer finds that a property does not conform with any of the standards prescribed in this by-law he/she may make an order ...

### **(g) City of Kitchener**

Section 17 of The Property Standards By-law of the City of Kitchener requires all buildings to be structurally sound:

#### **665.17.1 Building - to sustain - own weight**

A building, or any part thereof, shall be capable of sustaining its own weight together with the loads that may be applied thereto by reason of its use and occupancy, natural causes such as snow and wind and all other causes set out in the Building Code.

#### **665.17.2 Safety factor - standards**

The factor of safety specified in the Building Code is the minimum standard which is to be met without exceeding soil capacity and the maximum differential or other settlement specified in the Building Code.

### **665.17.3 Structurally sound condition - when deemed**

When a building or part thereof or any other structure meets the standard set out above, it shall be deemed to be in a structurally sound condition.

### **665.17.4 Report - professional engineer - when required**

If the Chief Official is not satisfied that the structural capacity of a building or any part thereof meets the minimum standard, he may require, to establish structural capacity, the submission of a report, prepared, sealed and signed by a professional engineer who is qualified in the field and licensed by the Association of Professional Engineers of Ontario.

The By-law also provides that it is to be administered and enforced by a Property Standards Officer (section 4.2). However, the Chief Building Official, Deputy Chief Building Official, Fire Prevention Officer, Building/Plumbing Inspector, Heritage Planner, Site Plan Co-ordinator and Site Plan Inspector in the City are also designated as Inspectors to assist the Property Standards Officer in carrying out his or her responsibilities under the by-law (section 4.3).

The by-law does not indicate that a complaint is required to trigger an inspection (see section 4.4):

For the purpose of enforcing this Chapter, but subject to Section 665.4.5, the Officer, Inspector or any other person acting under the instructions of the Officer may, at all reasonable times and upon producing proper identification, enter and inspect any property or premises to which this Chapter applies.

Section 665.4.5 relates to dwellings and does not apply to commercial or public buildings.

If a violation is noted during an inspection, the Officer must serve an Order pursuant to the by-law (see section 4.6):

If, after inspection, the Officer is satisfied that, in some respect, a property does not conform to the standards prescribed herein, the Officer shall serve or cause to be served, subject to Section 665.4.8 and Section 665.4.9 below, an Order in such manner and upon such persons as stated herein.

Even though the by-law does not appear to require a complaint for an investigation or inspection to be carried out, the City's policy as stated on its website seems to suggest a complaint is required:

When a complaint is received, a Kitchener property-standards officer will investigate to determine if a violation exists. If a violation is found, the officer can issue a property standards order, advising the owner of the violation and requiring that it be remedied within a specified time period.

[<http://www.kitchener.ca/en/livinginkitchener/PropertyMaintenanceStandards.asp>]

Aside from the Property Standards by-law, Council adopted a resolution in 1994 with respect to the enforcement of all by-laws. The original Council policy resolution was amended in June 2002 and again in April 2010 (see City of Kitchener Council Policy Resolution I-227).

The resolution states that by-law enforcement staff of various departments should investigate violations

- a) discovered through joint inspection with other City officials or other agencies;
- b) brought to the attention of the City through applications or written inquiries respecting a property;
- c) brought to the attention of the City through complaints filed by identified members of the public and/or City staff whose names are to be kept in confidence; and
- d) that are highly visible as identified by enforcement staff in the discharge of their normal duties, subject to staff resources.

The resolution also indicates that priority should be given to safety and health issues, in particular, "fences or shrubs causing sight obstructions, unsafe swimming pools, unsafe residential units, discarded ice boxes and refrigerators, and sidewalk snow and ice removal" (section 2 (a) of the resolution).

According to section 3 of the resolution, by-law enforcement staff should target for intensive enforcement a) specific types of violations; and b) specific geographic areas as directed by Council.

Section 8 of the resolution gives enforcement staff discretion to decide on the appropriate level of response in situations in which one individual submits multiple complaints at the same time or in which the same individual continuously submits a variety of complaints. Enforcement staff may decide whether or not to act on some or all of those complaints or to assign priority to some or all of the complaints. In making this determination, however, staff must have regard to safety factors, available resources and other criteria listed in the resolution.

## **(h) City of North Bay**

Section 6.3.1 of the City of North Bay's Property Standards By-law requires that

Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code and structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

There is no requirement of a watertight roof in non-residential buildings, but there is such a requirement for dwellings:

4.8.1 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects of materials.

The City of North Bay's Property Standards By-law designates Property Standards Officers as responsible for its administration and enforcement.

The by-law seems to indicate that complaints are not required to prompt an inspection:

7.2.2. An officer or any person acting under his/her instructions may, at reasonable times and on producing proper identification, enter and inspect any property.

There is no other by-law or resolution of Council setting out the city's policy of enforcement. However, city officials confirm that, unofficially, the process is complaint-driven. There is a one-page form that building officials encourage those making a property standards complaint to fill out. The individual's personal information is kept confidential. Nevertheless, complaints will also be taken by phone or email. At times, inspection of a property and enforcement of the by-law will occur if an unrelated fire inspection reveals a potential breach of the property standards.

The City of North Bay's website provides citizens with the property standards complaint form. This form requires complainants to disclose their name, address and phone number. It also requires complainants to indicate whether or not they have contacted the owner of the property in question as well as to specify the nature of the complaint. There is no information regarding whether a complainant's information will remain confidential on the form itself, although city officials confirm that it will.

The form also requires a complainant to agree that if, upon inspection, the officer determines that the complaint is "frivolous and vexatious in manner and/or the conditions are so minor as not to constitute any action under" the by-law, the complainant is responsible for payment of the inspection fee ([http://www.cityofnorthbay.ca/common/pdf/Building\\_Property\\_Standards\\_Complaint.pdf](http://www.cityofnorthbay.ca/common/pdf/Building_Property_Standards_Complaint.pdf)).

Unlike some of the other municipalities considered, the City of North Bay's by-law provides that a Notice of Non-Compliance be issued before an Order to Comply (sections 7.3.1. and 7. 4.1). The issuing of a Notice upon observing a by-law violation is mandatory, whereas the issuing of an Order upon non-compliance with a Notice is discretionary (sections 7.3.1. and 7. 4.1).

### **(i) City of London**

Section 4.1 of the City of London's Property Standards By-law provides for buildings to be maintained in a structurally sound condition:

#### **4.1.1 Structural System - Capable**

A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.

#### **4.1.2 Doubt - Structural Condition - Engineer's Report**

If, in the opinion of the officer, there is doubt as to the structural condition of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination to be submitted to the officer.

#### **4.1.3 Report Acceptance**

The officer may accept the findings in the report pursuant to subsection 4.1.2 as the requirements for compliance with the required repairs provided the officer is satisfied all deficiencies have been identified and appropriately dealt with by the report.

In addition, sections 4.2.1 and 4.2.2 of the by-law require that, *inter alia*, roof slabs be maintained in a watertight condition:

#### **4.2.1 Foundations, Walls, - Maintained**

The foundations, walls, columns, beams, floor and roof slabs of a building including ancillary structures such as parking garages shall be maintained.

#### 4.2.2 Maintenance - Includes

Without restricting the generality of subsection 4.2.1 the maintenance may include:

- (a) extension of the wall foundations below grade or regrading to provide adequate frost cover;
- (b) installing subsoil drains where such would be beneficial;
- (c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight;
- (e) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance;
- (f) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
- (g) the restoring, or replacing of:
  - (i) the foundations, walls, columns, beams, floor and roof slabs; and
  - (ii) components, cladding, finishes and trims forming a part thereof;
- (h) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
- (i) removing or replacing loose or unsecured objects and materials.

Also,

Every roof including related roof structures, fascias, soffits, eavestroughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained. [Section 4.4.1]

Under London's Business Licensing By-law, a new business license or the renewal of a license is subject to, among others, the following condition:

2.23

...

- (i) the premises in which the business is located shall be in accordance with the requirements of the *Building Code Act* and the Regulations thereunder, the *Fire Protection*

*and Prevention Act, 1997* and the Regulations thereunder, and any by-law of the Corporation prescribing standards for the maintenance and occupancy of property within the City[.]

According to London's Chief Building Official, when a business seeks a licence renewal the building department does not concern itself with inspecting the premises in which the business is located. However, for new licenses and, at times, for transfers of licenses, an inspection will be required.

These inspections are carried out by the City's property standards officers, who are also building officials, as well as fire inspectors and, depending on the nature of the business, health inspectors. Four aspects of the building are looked at: 1) property standards; 2) adherence to the Building Code and its regulations; 3) adherence to the Fire Code and its regulations; and 4) adherence to health standards, if needed.

The Building Code to be complied with is the Building Code in effect at the time the building was constructed. In addition, the City recognizes that certain existing conditions of a building may not meet one or more of the standards in the current Property Standards By-law (for example, bulkhead heights). Property standards officers have some flexibility to allow for existing conditions and may grant a business owner an exemption for a particular one. Generally, however, a business license will not be granted unless the building meets all of the standards. The building department will often work with business owners to allow them to carry out their business while correcting any deficiencies, for example, by issuing temporary licenses.

All by-law complaints in the City of London, including complaints regarding the Property Standards By-law, can be done by email or phone. Complainants must give their name and address, but this information remains highly confidential and is only disclosed to a limited number of people as needed. ([http://www.london.ca/d.aspx?s=/Planning\\_and\\_Development/Land\\_Use\\_Planning/Bldg\\_Complaint.htm](http://www.london.ca/d.aspx?s=/Planning_and_Development/Land_Use_Planning/Bldg_Complaint.htm)).

In 1988, City Council adopted a policy for the enforcement of by-laws. This policy was amended in 1995 and again in 1999. According to this policy, Property Standards By-law enforcement can be "responsive", that is, as a result of a complaint, or it can be "selective". Selective enforcement occurs when by-law or property standards officers concentrate significantly on a particular problem in a particular location in order to achieve greater compliance by the public in general. These types of inspections are known as "blitzes" and they are proactive, according to the Chief Building Official. Blitzes are typically carried out in partnership with police, fire or the City's health unit.

## D. Public Buildings Generally

### (a) Manitoba

In Manitoba, public buildings and dwellings are subject to the *Public Health Act*, CCSM c P210. Section 112(1) of the Act provides that the Lieutenant Governor in Council may make regulations

(j) respecting the location, construction, maintenance, plumbing, water supply, sanitation, heating, ventilation, air quality, equipment, furnishings, lighting, disinfestation, disinfection and decontamination of buildings and other premises .... [Emphasis added.]

The term “buildings” is not defined in the Act. “Premises” is defined in section 1(1) as

lands and structures, or either of them, and any yards adjacent to them and structures associated with them, whether portable, temporary or permanent, and includes

- (a) a body of water;
- (b) a motor vehicle or trailer;
- (c) a train or railway car;
- (d) a boat, ship or similar vessel; and
- (e) an aircraft;

and includes part of a premises.

The *Dwellings and Buildings Regulation*, Man Reg 322/88R deals with the issues in section 112(1)(j) of the above Act. While most provisions of the regulation relate to dwelling units, section 9 applies generally to buildings. It provides,

#### **Roof**

9(1) All roofs of buildings, including eavestroughing and rain water piping, shall be water-tight and be kept by the owner of the premises in good repair.

9(2) All rain water from the roof of any building shall be properly disposed of in such manner as to prevent dampness or damage that, in the opinion of a medical officer or inspector, may be injurious to health.

The general powers of entry and inspection are found in section 83 of the Act:

83(1) When reasonably required to administer or determine compliance with this Act or a municipal by-law, a medical officer may enter and inspect any place or premises, other than a dwelling, at any reasonable time.

By virtue of section 83(7) of the Act, an inspector has the powers of a medical officer for the purpose of section 83(1).

The Act also authorizes inspectors or health officers to make orders in relation to, *inter alia*, violations of the regulations under the Act or violations of a municipal by-law:

**Health hazard order — inspector or health officer**

24(2) An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that

(a) a health hazard exists or might exist

...

(ii) because of a failure or suspected failure to comply with a regulation made under this Act,

(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or

(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and

(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.

**To whom order may be directed**

25 A health hazard order may be directed to one or more of the following:

(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;

(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;

(c) a person who is engaged in or carries out a business, activity or process;

(d) any other person or member of a class of persons specified in the regulations.

### **Content of order**

26(1) A health hazard order may require a person to do or cause anything to be done, or refrain from doing anything, that the person making the order reasonably considers necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard, including one or more of the following:

(a) investigate or monitor an activity, condition or process, carry out tests, examinations or analyses, record information or provide the person making the order with any information that he or she requires;

...

(g) construct, excavate, install, modify, replace, remove, reconstruct or do any other work in relation to a place or premises, or a thing;

(h) clean or disinfect a place, premises or thing;

(i) subject to subsections (2) and (3), close or restrict the use of a place or premises, or require a place or premises to be vacated;

(j) treat or quarantine an animal.

Contravening any provision of the Act is an offence and, by virtue of section 1(2) which states that any reference to “this Act” includes the regulations made under the Act, contravening any regulation under the Act is also an offence. The scheme is set out in section 90 of the Act:

### **Offences**

90(1) A person is guilty of an offence who

(a) contravenes a provision of this Act;

(b) fails to comply with an order made under this Act or with a term or condition of a licence, permit, approval or other authorization issued under this Act;

(c) knowingly makes a false or misleading statement to the minister, the chief public health officer, a director, a medical officer, an inspector, a health officer, a public health nurse or any other person acting under the authority of this Act;

(d) knowingly makes a false or misleading statement in an application, report, record or return given or required under this Act, or knowingly provides false or misleading information under this Act;

(e) hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with, the minister, the chief public health officer, a director, a medical officer, an inspector, a health officer, a public health nurse or any other person acting under the authority of this Act; or

(f) conceals or destroys, or attempts to conceal or destroy, any record, information or thing relevant to an inspection or investigation under this Act.

#### **Continuing offence**

90(2) When an offence under this Act continues for more than one day, the person is guilty of a separate offence for each day the offence continues.

#### **Directors and officers of corporations**

90(3) If a corporation commits an offence under this Act, a director or officer of the corporation who authorized, permitted or acquiesced in the commission of the offence is also guilty of the offence.

#### **Penalties**

90(4) A person other than a corporation who is guilty of an offence under this Act is liable on summary conviction,

(a) for an offence other than an offence described in clause (b), to a fine of not more than \$50,000. or imprisonment for a term of not more than six months, or both; and

(b) for an offence resulting from the failure to comply with an emergency health hazard order, to a fine of not more than \$100,000. or imprisonment for a term of not more than one year, or both.

#### **Penalties for corporations**

90(5) A corporation that is guilty of an offence under this Act is liable on summary conviction,

(a) for an offence other than an offence described in clause (b), to a fine of not more than \$500,000.; and

(b) for an offence resulting from the failure to comply with an emergency health hazard order, to a fine of not more than \$1,000,000.

**Time limit for prosecution**

90(6) A prosecution for an offence under this Act may be commenced not later than two years after the day the alleged offence was committed.

**(b) Alberta**

Alberta also has a *Public Health Act*, RSA 2000, c P-37. The Act authorizes inspections of private places as well as “public places”, which is defined in section 1(ii) as including

any place in which the public has an interest arising out of the need to safeguard the public health and includes, without limitation,

- (i) public conveyances and stations and terminals used in connection with them,
- (ii) places of business and places where business activity is carried on,
- (iii) learning institutions,
- (iv) institutions,
- (v) places of entertainment or amusement,
- (vi) places of assembly,
- (vii) dining facilities and licensed premises,
- (viii) accommodation facilities, including all rental accommodation,
- (ix) recreation facilities,
- (x) medical, health, personal and social care facilities, and
- (xi) any other building, structure or place visited by or accessible to the public[.]

The inspection of public places is governed by section 59 of the Act, which reads in part,

**Inspection of place other than private dwelling**

59(1) An executive officer may inspect any public place for the purpose of determining the presence of a nuisance or determining whether this Act and the regulations are being complied with.

(2) An executive officer making an inspection under subsection (1) may

- (a) at any reasonable hour enter in or on the public place that is the subject of the inspection;
- (b) require the production of any books, records or other documents that are relevant to the purpose of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies;
- (c) make reasonable oral or written inquiries of any person who the executive officer believes on reasonable grounds may have information relevant to the subject-matter of the inspection;
- (d) inspect and take samples of any substance, food, medication or equipment being used in or on the public place;
- (e) perform tests, take photographs and make recordings in respect of the public place.

The Act authorizes the Minister or a regional health authority, appointed as such under the Act, to publish a report arising out of an inspection:

**Publishing reports and order**

74 A regional health authority or the Minister may publish the following documents in the manner the regional health authority or the Minister, as the case may be, considers appropriate:

- (a) a report arising from an inspection under this Part;
- (b) an order issued under section 62.

Section 66(2) of the Act authorizes the Minister to make regulations, *inter alia*, “(h) respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public places”.

## **(c) Quebec**

### **1. Provisions**

Quebec's *Building Act*, RSQ, c B-1.1 specifically applies to facilities intended for use by the public (section 2(2) of the Act), as does the *Safety Code*, RRQ, c B-1.1, r 3, a regulation under the Act.

In March, 2013, a new Chapter of the *Safety Code* came into force. This Chapter relates to the maintenance of buildings and requires, among other things, that owners of buildings of five or more storeys have the façade of the building inspected by an engineer every five years, as will be seen below.

The purposes of the Act are described in section 1.1:

The purposes of this Act are:

(1) to ensure proper quality of the construction work of buildings, and in certain cases, facilities intended for use by the public, installations independent of a building or petroleum equipment installations; and,

(2) to ensure the safety of the public who have access to a building or facilities intended for use by the public or who use installations independent of a building or petroleum equipment installations.

In the pursuit of those purposes, the Act provides in particular for the professional qualification of contractors and owner-builders.

Section 2 of the Act defines its scope:

2. This Act applies:

(1) to any building used or intended to be used to shelter or receive persons, animals or goods, inclusive of any materials, installations or equipment of such building;

(2) to facilities intended for use by the public;

(3) to the following installations independent of a building:

(a) electrical installations;

(b) installations intended to use, store or distribute gas;

(c) pressure installations;

(d) plumbing installations;

(e) installations for protection against lightning;

(3.1) to petroleum equipment installations;

(4) to the vicinity of such buildings, facilities and installations;

(5) to any other civil engineering structure, but only for the purposes of Chapters IV and V.

Section 3 of the Act excludes mines governed by the *Mining Act* from its application.

There is no definition for the terms “buildings”, “facilities” or “intended for public use”.

Section 175 of the Act requires that the Board adopt a safety code regulation that contains

safety standards for buildings, facilities intended for use by the public, installations independent of a building ... and standards for their maintenance, use, state of repair, operation and hygiene.

In this case, the “Board” refers to the “Régie du bâtiment du Québec”.

The *Safety Code*, enacted under the authority of section 175 of the Act, contains numerous maintenance and safety standards for buildings or facilities “intended for public use”. For example, section 2 of the Code states,

2. A plumbing system located in a building or in a facility intended for public use shall be kept in safe, sanitary and proper working condition.

Chapter VIII of the Code, which came into force in March 2013, encompasses sections 337 to 407 and relates to buildings.

Generally, all buildings or facilities intended for public use that fall under the scope of the Act “must be maintained in a safe and proper working condition” (section 345).

In addition, façades of buildings “must be maintained so as to ensure safety and prevent the development of a dangerous condition” (section 372 of the Code). This only applies to façades of buildings of five or more storeys above ground (section 371 of the Code).

“Façade” is defined at section 337(1) of the Code as

the sheathing of the exterior walls of a building and all the accessories, electrical or mechanical devices and other permanent or temporary objects connected with exterior walls, such as chimneys, antenna, masts, balconies, canopies or cornices[.]

The Code puts the onus on a building owner to ensure a façade's safety by requiring the owner to obtain periodic engineering reports:

374. Every 5 years, the owner of a building must obtain a verification report from an engineer or architect stating that the building's façades are not in a dangerous condition and, if applicable, that recommendations on ways to correct defects that may contribute to the development of a dangerous condition have been made.

375. For the purposes of this subdivision, a building is in a dangerous condition when, at any time, an element of the façade may detach itself from the building or collapse and cause personal injury.

Under section 376 of the Code, an owner must do the following if a dangerous condition is detected:

- (1) implement emergency measures without delay to ensure the safety of occupants and the general public;
- (2) notify the Board without delay;
- (3) send the Board, within 30 days, a written description by an engineer or architect of the corrective work required to eliminate the dangerous condition and, for approval, a schedule for the corrective work;
- (4) ensure that the work is completed in accordance with the description, plan and schedule;
- (5) obtain, at the completion of the work, a verification report confirming the safety of the building's façades;
- (6) send to the Board a letter signed by the engineer or architect confirming that all the corrective work has been completed to the engineer's or architect's satisfaction and that the building is no longer in a dangerous condition.

The Code also requires engineers or architects who provide the reports to notify the owner and the Board if a building is deemed to be in a dangerous condition:

377. An engineer or architect responsible for a verification who notes that a building is in a dangerous condition must inform the owner and the Board and describe the emergency measures established or to be established without delay to correct the dangerous condition.

The Code specifies the information to be included in these reports, their frequency, as well the documents that an owner must provide the engineer or architect drafting a report. This includes construction plans and previous verification reports (section 379 of the Code).

Façade inspection reports must be kept in a registry on the premises to allow provincial authorities to review them:

373. The following information or documents concerning a building must, during the building's lifetime, be recorded in or appended to a register kept available on the premises for consultation by the Board:

- (1) the owner's contact information;
- (2) if available, a copy of the construction plans for the façades as built, and any photograph, document or technical information showing the changes made;
- (3) a description of all repair, modification or maintenance work carried out on elements of the façade;
- (4) a description of recurrent repairs to solve a given problem;
- (5) façade inspection reports.

The maintenance of multi-storey garages is also provided for in the Code. Section 386 states that a multi-storey garage must be maintained "so as to ensure safety and prevent the development of a dangerous condition." The owner of a multi-storey garage must carry out an annual verification report (section 388) and retain an engineer every five years to obtain a report verifying that the garage is not in a dangerous condition (section 389 of the Code). As with reports relating to façades, these reports must address specific criteria. For example, in-depth verification reports on multi-storey garages must include,

the outcome of the verification of all the structural elements of the multistorey garage assessed, including concrete characteristics, the state of corrosion of the reinforcement, and a description of any defects that may contribute to the development of a dangerous condition, along with their causes. [Section 400(5)]

As with façades, verification reports of multi-storey garages must be kept on the premises to allow provincial authorities to review them:

387. The following information or documents concerning a multistorey garage must, during the garage's lifetime, be recorded in or appended to a register kept available on the premises for consultation by the Board:

- (1) the owner's contact information;
- (2) if available, a copy of the construction plans for the multistorey garage as built, and any photograph, document or technical information showing the changes made;
- (3) a description of all repair or modification work carried out on the multistorey garage;
- (4) a description of recurrent repairs to solve a given problem;
- (5) the annual verification reports and the reports on any problem observed with respect to the multistorey garage;
- (6) the in-depth verification reports for the multistorey garage.

Section 407 of the Code makes it an offence to violate a provision in the Chapter relating to buildings.

The scope of this Chapter is quite broad, in terms of what qualifies as a building intended for public use:

338. Subject to the exemptions provided for in section 29 of the Building Act (chapter B-1.1) and in sections 340 to 342 of this Regulation, this Chapter applies to every building and every facility intended for use by the public, and to the vicinity of such a building or facility.

The exemptions provided for in section 29 of the Act are as follows:

29. This chapter does not apply to the following buildings:

- (1) a single-family dwelling;
- (2) an entirely residential building having fewer than three floors or fewer than nine dwellings;
- (3) a building of a class excluded by regulation of the Board.

However, despite the first paragraph, this chapter does apply to a private seniors' residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

This chapter also applies to electrical installations, installations intended to use gas, and petroleum equipment installations located in buildings excluded by subparagraphs 2 and 3 of the first paragraph.

The exemptions provided for in sections 340, 341 and 342 of the Code are as follows:

340. Any building, other than a private seniors' residence, for which the sole occupancy is one of the occupancies in the National Building Code listed below is exempted from the application of this Chapter:

- (1) an assembly occupancy not covered by paragraph 6 that accommodates no more than 9 persons;
- (2) a health care or detention occupancy that constitutes
  - (a) a prison;
  - (b) a supervised education centre with or without detention facilities used to shelter or accommodate no more than 9 persons; or
  - (c) a convalescence home, a care occupancy or assistance occupancy or a rehabilitation centre used to shelter or accommodate no more than 9 persons;
- (3) a residential occupancy that constitutes
  - (a) a rooming house or an outfitter offering no lodgings when the building has no more than 9 rooms;
  - (b) a single-family dwelling used by a natural person who lives there to operate a bed and breakfast service in which no more than 5 bedrooms are available;
  - (c) a single-family dwelling used by a natural person who lives there to operate a school accommodating no more than 15 students at any one time;
  - (d) a monastery, a convent or novices' quarters owned by a religious corporation incorporated under a special Act of Québec or the Religious Corporations Act (chapter C-71), where that building or part of the building divided by a firewall is occupied by no more than 30 persons and where the building height does not exceed 3 storeys;
  - (e) a shelter used to shelter or accommodate no more than 9 persons;
  - (f) a building used as a dwelling unit that
    - (i) has a building height of no more than 2 storeys; or
    - (ii) has no more than 8 dwelling units;

- (4) a business and personal services occupancy having a building height of no more than 2 storeys;
- (5) a mercantile occupancy having a total floor area of no more than 300 m<sup>2</sup>;
- (6) a childcare centre used to shelter or accommodate no more than 9 persons;
- (7) a subway station;
- (8) an agricultural building;
- (9) an industrial occupancy;
- (10) a building left vacant for the purposes of construction, demolition or renovation work.

Despite the exemption provided for in the first paragraph and in section 341, the requirements respecting water cooling towers provided for in Division VII apply to the water cooling tower of every building.

341. Buildings for which the occupancy, in addition to one or more of the occupancies exempted under paragraphs 1, 3, 4, 5 and 6 of section 340, is one of the following occupancies, are also exempted from the application of this Chapter:

- (1) a building used as a dwelling unit that has a building height of no more than 2 storeys or contains no more than 8 dwelling units;
- (2) a mercantile occupancy having a total floor area of no more than 300 m<sup>2</sup>;
- (3) a business and personal services occupancy having a building height of no more than 2 storeys.

342. Any establishment or construction site referred to in the Act respecting occupational health and safety (chapter S-2.1) is exempted from the application of Part 3, Indoor and Outdoor Storage, Part 4, Flammable and Combustible Liquids and Part 5, Hazardous Processes and Operations, of Division B of the National Fire Code referred to in section 370.

## **2. Legislative History**

The *Safety Code* was introduced as a regulation to the *Building Act* in 1985. Part of its purpose was to bring the regulations under a number of different Acts together under one Code. This was explained by the then-Minister of Housing and Consumer Protection in the legislative debates:

[TRANSLATION:] As a result, the purpose of this bill is to modernize and simplify the framework that governs construction contractors and building experts as a whole. In real terms, from a legislative perspective, this bill encompasses a dozen existing special statutes in one general law. From a regulatory standpoint, the Construction Code on its own encompasses a dozen existing specific regulations. Likewise, the Safety Code will encompass four existing regulations in one act. We are also seizing the opportunity to update and clean up all these different existing regulations in order to standardize the style, definitions and expressions used. Furthermore, we are developing a permanent mechanism for revising, updating and renewing all regulations in order to fully involve all affected parties, including those at the municipal level, in updating and developing these different regulations.

[Quebec, Legislative Assembly, *Journal des débats de l'Assemblée nationale*, 32nd Parl, 5th Sess, Vol. 28, No 74 (12 June 1985) at 4517 (Mr. Brouillet).]

Another important purpose of the Code was to improve the safety of public buildings. This was also explained by the Minister in the debates:

[TRANSLATION:] I am also convinced that in addition to these different provisions in the bill itself, these legislative and regulatory tools will help us better achieve the goals that they were created to address: ensuring the quality of the buildings constructed in Quebec and the safety of our public buildings used by the population in general in the best interest of all Quebecers.

On the topic of building quality and the safety of public buildings, I wish to repeat in this debate that the government is working to further improve on our performance as a society when it comes to said quality and safety of public buildings. Our results in this regard and our situation at this time are excellent; they compare very favourably with those of other Canadian provinces and the northern United States. However, as a society, we must continue to work towards constantly improving the quality and safety of our buildings.

To do this, we could have opted for more governmental controls, more inspectors, or more governmental intervention and action to monitor construction quality and the safety of public buildings. Instead, we have chosen to team up with the industry itself by creating accountability and by empowering industry stakeholders to assume their responsibilities in

this regard. In fact, we have taken it to the point that another main goal of Bill 53 is to give professionals and contractors in the construction industry a status that reflects the enthusiasm, professionalism and competence that defines them, by recognizing that they are equal partners with the government when it comes to the safety of our public buildings and the quality of our constructions.

Unfortunately, at the present time, we are compelled to note that the industry has little involvement in the decisions that affect its daily professional activities. In fact, it is subjected to a certain old-fashioned paternalistic treatment from the government, which obviously prevents it from reaching its maximum potential as a driving force of Quebec's economic development and in terms of quality and safety of the construction of our public buildings.

[Quebec, Legislative Assembly, *Journal des débats de l'Assemblée nationale*, 32nd Parl, 5th Sess, Vol. 28, No 74 (12 June 1985) at 4518 (Mr. Brouillet).]

On March 18, 2013, the *Regulation to improve building safety* came into force. It introduced amendments to the Safety Code, the most important of which was adding Chapter VIII, entitled "Buildings", to the Code. It is clear from the debates that this Chapter was introduced as a result of a series of highly publicized incidences in which failing structures killed or seriously injured several people in Montreal and the surrounding area. The purpose of the regulation was to improve public safety, as explained by the Minister of Labour:

[TRANSLATION:] Mr. Chairman, I am pleased to say a few words today, at the adoption in principle of Bill 122, an Act to amend the Building Act mainly to modernize safety standards.

New methods, technologies and knowledge have made new constructions as safe as possible. However, Mr. Chairman, we realize that the buildings in our building inventory are ageing. They require preventive maintenance by their owners to ensure the safety of the public. Over the last few years, as you know, tragic incidents such as the collapse of a parking slab on Deguire Street in Ville St-Laurent and the fall of a concrete slab on Peel Street in Montreal have scarred many families. Therefore, this afternoon I am pleased to move forward with the adoption in principle of Bill 122, which will allow the modernization of safety requirements to mitigate risks and avoid the reoccurrence of such catastrophes.

By adopting this Bill, Mr. Chairman, the *Régie du bâtiment* will develop regulations which will take effect next year and which, for instance, will require owners to: follow a preventive maintenance program to ensure their buildings are in good condition; hire professionals to carry out inspections and perform any work needed; maintain a building

maintenance log for inspectors' reference; and preserve any inspection and assessment reports as long as the building is standing.

With these new inspection and maintenance standards for facades and parking garage structures, Quebec stands out from other Canadian provinces through its modern and comprehensive regulatory framework. Furthermore, the proposed measures will allow municipalities to harmonize their regulations, including those which address fire safety. From now on, all municipalities can adopt these new regulations, and this will not prevent them from following even stricter standards.

Mr. Chairman, I would like to repeat that this bill was the subject of many consultations with stakeholders in this field. Among others, I refer to the *Union des municipalités du Québec*, the *Fédération québécoise des municipalités*, the association representing building owners and administrators, and the *Association des chefs en sécurité incendie du Québec*.

In fact, I would like to read excerpts of a news release from the City of Montreal that warmly welcomes this bill. Montreal, November 11<sup>th</sup>: "The mayor of Montreal, Mr. Gérald Tremblay, warmly welcomes Bill 122, introduced yesterday by the Minister of Labour [...]. This act will require that all building owners abide by a preventive maintenance program and keep all inspection reports.

"In the wake of the tragic incident on Peel Street in July 2009, where a person died as a result of a falling concrete slab, the City of Montreal together with its partners have given serious thought to these issues to prevent any reoccurrence. 'I had personally contacted the Minister of Labour and the Chief Executive Officer of the *Régie du bâtiment* [...] to communicate the urgency at hand,' said Mayor Tremblay.

"I am very pleased that the Quebec government intends to proceed with a bill that will give municipalities the tools required to carry out inspections and maintenance of some high-risk buildings on a voluntary basis. This much-anticipated bill will be enforced by the City of Montreal to manage buildings within the city."

Mr. Chairman, allow me to reassure my colleagues in the opposition, as well as organizations who represent building owners such as the *CORPIQ*, who expressed concerns with regards to this bill. These groups will be invited to participate in the early developments and the drafting of the regulations along with the *Régie du bâtiment*. It is important to remember that they are also our partners.

The measures will become known once the regulation is published and in force, following the adoption of this bill. We understand our partners' concerns and reservations, and will work to find solutions. However, we must remember that they own these buildings and

have a duty to maintain them to ensure the safety of those who work or live in them. We, the government, are responsible for making sure that owners fulfill their duties. Mr. Chairman, we cannot compromise when it comes to public safety.

...

Bill 122 is an opportunity to take action on requests made by consumer organizations, construction contractors and the media, which were recently echoed by members of parliament during the study of budgetary appropriations. Some provisions regarding financial security introduced in the *Building Act* exist to allow the *Régie* to release some of the financial data it receives from the administrators of the Guarantee Plan for new residential buildings. These changes will improve transparency and will facilitate accounting and the management of premiums by the administrators.

Finally, the bill is the first step in a process aimed at modernizing the regulations that govern the manufacture, installation, repair and operation of pressure installations, which also fall under the jurisdiction of the *Régie du bâtiment*. There are more than 200 000 such installations in Quebec, mainly in public buildings such as hospitals or arenas and in industrial or commercial buildings. They are manufactured by about 450 Quebec businesses, and some are destined for the foreign market. The regulatory and legislative framework in this field needs to be updated, while aiming to improve safety and to streamline administration for businesses and owners when it comes to being accountable for the compliance of their installation.

In my opinion, Mr. Chairman, Bill 122 is an omnibus bill that has a widespread effect, but with a general aim to improve the safety of our buildings. I already informed my colleague, the Member of the National Assembly from Beauharnois, that we were available to answer any questions. He has already had the opportunity to meet with my team and the members of the *Régie du bâtiment*, and I am convinced that we will be able to adopt this bill as quickly as possible with everyone's cooperation in order to increase public safety. Thank you, Mr. Chairman.

[Quebec, Legislative Assembly, *Journal des débats de l'Assemblée nationale*, 39th Parl, 1st Sess, Vol. 41, No 158 (23 November 2010) (Lise Thériault).]

## E. Public Housing

### (a) Alberta

Public housing in Alberta is regulated under the *Housing Regulation*, Alta Reg 173/1999, which applies to dwellings and hotels and motels, dormitories, rooming houses, apartment buildings and lodging houses. It does not apply to private dwellings in which only the owner and his or her dependants live (see section 2 of the regulation). The enabling legislation is the *Public Health Act*, RSA 2000, c P-37.

Section 3 of the regulation requires owners of any building to which the regulation applies to maintain certain standards:

3(1) Subject to subsection (3) and section 4, an owner shall ensure that

(a) the housing premises are

(i) structurally sound,

(ii) in a safe condition,

(iii) in good repair, and

(iv) maintained in a waterproof, windproof and weatherproof condition;

...

(c) the common areas of the housing premises, its fixtures and any furnishings provided by the owner are maintained in a clean and sanitary condition.

(2) An owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.

(3) An executive officer of the region in which the housing premises are located may exempt its owner from the requirements of subsections (1)(b)(i) and (iii) and (2) where the owner supplies and maintains an alternative system regarding the requirements under those subsections that is satisfactory to the executive officer.

Subsection 3 does not apply with respect to the requirements in section 3(1)(a) or section 3(1)(c), that is, there is no exemption provided for in the regulation with respect to those provisions.

Section 4 of the regulation, referred to in section 3(1), provides,

4 An owner shall maintain the housing premises in compliance with the Minimum Housing and Health Standards, as approved and published by the Minister and as amended by the Minister from time to time.

The latest version of the Minimum Housing and Health Standards document published by the Minister is available online at: <http://www.health.alberta.ca/documents/Standards-Housing-Minimum.pdf>. This version of the document has been in effect since January 1, 2013.

The introduction at page 3 of this document explains its purpose:

The primary intent of the Minimum Housing and Health Standards is to establish minimum conditions which are essential to good health and which make housing premises safe, sanitary and fit for human habitation. The Housing Regulation and corresponding Minimum Housing and Health Standards govern the conditions and maintenance, the supplied utilities, and the use and occupancy of housing. In contrast, the principal purpose of a building code is to regulate the construction of buildings by setting minimum regulations for public health, fire safety and structure sufficiency.

Housing Regulations and the Minimum Housing and Health Standards are also different from building and other construction codes in that the latter are enforced primarily through a system of permits which are granted after plans and specifications have been submitted and evaluated and at which time the construction would be subject to inspection. The appropriate government and accredited agencies maintain control through their power to issue and withhold the required permits. Housing Regulations and the Minimum Housing and Health Standards, however, are enforced by inspections of housing premises by Public Health Inspectors/Executive Officers of Regional Health Authorities on a systematic or complaint basis.

At page 5, the document provides in part,

The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

1. Good repair, safe condition and structurally sound.

(a) The housing premises shall be structurally sound.

(b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.

(c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

(d) Repairs or modifications required by the Executive Officer of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).

## 2. Windproof, waterproof, weatherproof condition

### (a) Roof and exterior cladding

The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.

Other parts of the document deal with sanitation standards as well as the standards to be applied to furnishings and equipment.

## F. Dams

### (a) Quebec

In Québec, dams are subject to regulation under the *Dam Safety Act*, RRQ, c S-3.1.01. The *Dam Safety Regulation*, RRQ, c S-3.1.01, r 1, sets out the various registration, maintenance and inspection requirements for dam owners.

In addition to registering a dam (sections 5 to 8 of the regulation) and maintaining an emergency action plan that all dam personnel are trained on (sections 35 to 40 of the regulation), an owner must also ensure the dam meets the prescribed minimum safety standards (sections 20 to 29 of the regulation) and that periodic inspections of the dam are carried out on a yearly basis (sections 41 to 47 of the regulation).

There are three types of inspections (section 41 of the regulation):

- (1) site inspections consist of routine visual inspections of the dam and are carried out to detect and monitor more apparent deficiencies and determine the general condition of a dam following major events such as floods, earthquakes and windstorms;
- (2) regular inspections consist of visual examinations of the dam and its main components and may include the taking of measurements, and are carried out to ensure continuous monitoring of the dam in order to detect or monitor any deficiency or deterioration; and
- (3) formal inspections consist of comprehensive visual examinations of the dam and of each of its components or parts and may include, if required, the taking of measurements, and are carried

out to monitor the behaviour of the dam and to determine the condition of each of its components or parts.

Depending on its classification, a dam must undergo a minimum of 1, 2, 3, 6 or 12 inspections per year (section 42).

Also depending on its classification, either “a person who is familiar with the dam” is authorized to carry out a site inspection or the site inspection must be carried out “under the supervision of a civil-engineering technician or an engineer” (section 45).

All regular inspections must be carried out, at minimum, under the supervision of a civil-engineering technician or an engineer. Some dams may require the inspection to be carried out by a civil-engineering technician or an engineer (section 45).

All formal inspections of any class of dam must be carried out by an engineer (section 45).

Owners must keep a logbook in which they record events related to safety, including a brief description of all inspection activities carried out (section 46).

In addition to periodic inspections, dam owners must ensure “dam safety reviews” are also carried out. The purpose of these reviews is to evaluate the safety, stability and functionality of a dam, the conformity of its design and construction with good practice and safety standards and to determine, where required, appropriate remedial measures (section 48). The review includes a comprehensive inspection of every structural component (section 48(1)(a)). A report documenting the review must be completed by the engineer in charge of the review and must include the engineer's comments, opinions and recommendations (section 49). More specific requirements of the report are found in section 49 of the regulation. A dam safety review must be conducted every 10 years. The time between reviews increases to every 15 and every 20 years for dams in categories of “low consequence” (section 50). Dam safety reviews must be sent to the Minister (section 50).

## **(b) Newfoundland and Labrador**

In Newfoundland and Labrador, dam maintenance is regulated under the *Water Resources Act*, SNL 2002, c W-4.01. Specifically, section 43 provides as follows:

### **Maintenance and inspection of dams**

43. (1) The owner, operator or licensee of a dam or other structure shall, at all times, maintain the dam or other structure in good repair.

- (2) The owner, operator or licensee with respect to a dam or other similar structure impounding or conveying water shall, in accordance with the regulations,
- (a) conduct periodic inspections of the dam or other structure to ensure structural stability;
  - (b) submit a report to the minister on the results of the inspections; and
  - (c) comply with the recommendations contained in the inspection report.

There are no regulations under the Act that deal with the maintenance and inspection of dams, as contemplated by section 43(2) of the Act.

Further, anyone holding a license to divert water in accordance with the Act, including a dam owner or operator, is subject to section 23 of the Act, which provides that inspections may be conducted as a result of a complaint:

23. (1) A person may, in writing, make a complaint to the minister respecting a failure of a licence holder to
- (a) keep works in a proper and safe condition;
  - (b) comply with the terms or conditions of a licence; and
  - (c) comply with the Act.
- (2) Where the minister receives a complaint under subsection (1), he or she shall direct an inspector to investigate the complaint and submit a report on that investigation to the minister as soon as is practicable.
- (3) The minister shall consider the report received under subsection (2) and shall order the licence holder to immediately take the remedial action necessary to correct the situation causing the complaint or shall dismiss the complaint.
- (4) The minister shall notify a person who has made a complaint under this section of his or her decision under subsection (3).
- (5) Where a licence holder does not comply with an order made under subsection (3), the minister may, in writing and with reasons, order the suspension of an applicable licence for a specified period of time or may, by order, cancel the licence.

The term “works” in section 23(1)(a) is defined in section 2(dd) of the Act as including

property, buildings, erections, plants, machinery, installations, materials, ditches, headgates, divide gates, pipelines, flumes, penstocks, chutes, drops, power stations, transmission lines, terminal stations and substations, dams, canals, devices, fittings, apparatus, appliances and equipment.

Inspectors are appointed under the Act (section 66) and their powers are found in Part V of the Act.

## **G. Steam and Pressure Plants**

### **(a) Manitoba**

In Manitoba, steam and pressure plants are regulated under the *Steam and Pressure Plants Act*, C.C.S.M. c. S210, and subject to regular inspections.

The main provisions dealing with inspections are found in section 3 of the Act:

#### **Inspections**

3(1) The minister shall cause a regular inspection to be made of all plants and pressure vessels as required by this Act and the regulations; and shall also cause a special inspection to be made of every plant and pressure vessel that is reported to him as being unsafe, or which he has reason to believe has become unsafe.

#### **Notice of defects**

3(2) Where a defect is discovered in a plant or pressure vessel, the minister shall notify the owner thereof of the defect, and shall require the defective plant or pressure vessel to be repaired to the satisfaction of the minister or to be replaced.

The Act defines an owner as someone “who owns, leases, or manages a plant” (section 1).

In accordance with section 3(3) of the Act, steam plants and refrigeration plants are to be inspected annually, “[a]s far as practicably possible”.

Inspection certificates are issued by the Minister if the condition of the plant is found on inspection to be satisfactory of the Minister (section 5(1)). A plant, boiler or pressure vessel that is unsafe must be condemned as unfit by the inspector appointed under the Act (section 7(1)), and the inspector may order repairs and alterations to be made within a specified period of time in an Order (section 7(2)). If

the repairs are not “immediately completed”, an inspector may condemn the plant, boiler, or pressure vessel by affixing a notice stating that the use of the area in question is prohibited (section 8).

A record of all reports prepared by inspectors must be kept by the Minister showing inspections made and repairs and replacements ordered by them (section 4 of the Act).

## H. Schools and Child-Care Facilities

### (a) Ontario

In Ontario, schools for the deaf and blind are regulated under *Ontario Schools For The Blind And The Deaf*, RRO 1990, Reg 296 to the *Education Act*, RSO 1990, c E.2, and inspections are specifically prescribed therein.

The scheme of inspections is not detailed. The Regulation simply provides that for each school to which the Regulation applies, the Superintendent shall “arrange for regular inspection of the school premises and report promptly to the Ministry of Infrastructure any repairs required to be made by that Ministry”(section 18(k) of the regulation).

In addition, the *Operation of Schools - General*, RRO 1990, Reg 298, another regulation under the Act, provides that principals have a duty to inspect school premises on a weekly basis and report to the school board, any required repairs and any lack of attention on the part of the building maintenance staff of the school (section 11(3)(l) of the regulation). This regulation applies broadly to all schools to which the Act applies. “School” is defined in section 1 of the Act as

(a) the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or

(b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,

and includes the pupils who are enrolled in extended day programs in the unit or institution, the teachers, designated early childhood educators and other staff members associated with the unit or institution, and the lands and premises used in connection with the unit or institution.

## **(b) Prince Edward Island**

In Prince Edward Island, child care facilities are regulated under the *Child Care Facilities Act*, RSPEI 1988, c C-5. The accompanying regulation, PEI Reg EC475/87, requires child care facilities to be inspected annually to ensure they meet minimum maintenance standards:

### **Public health inspection**

15. (1) A facility shall be inspected for initial licensure and at least annually thereafter by a public health officer.

### **Meet Public Health Act requirements**

(2) A facility shall be in a state of good repair and sanitation and, in general, safe and reasonably comfortable for the children, according to any requirements under the *Public Health Act* subject to the standards prescribed in the regulations and to such interpretative policy direction as may be given by the Board.

### **Compliance**

(3) The supervisor shall comply with a public health officer's direction to remedy any unsatisfactory or unsafe condition.

Under section 10(2) of the regulation, following the inspection of a facility, an inspector must make the findings, recommendations and directions known to the licensee and to the Board.

The *Public Health Act*, RSPEI 1988 c P-30, does not regulate the structural integrity or the maintenance and repair of buildings, nor do any of the accompanying regulations. However, section 14 of the *Public Health Act* provides,

14. If the Chief Health Officer determines that a building, or any portion thereof, is unfit for human habitation or that there exists in it any condition that may endanger public health, he may, by means of an order under subsection 5(1)

(a) order that the building be vacated and closed and give notice thereof to the owner and the occupants;

(b) order the owner of the building, within such time as may be specified in the order, to alleviate the health hazard or, at the option of the owner, to demolish the building at the owner's expense.

“Building” is defined in section 1 of that Act as including

a dwelling house, school, retail store, hospital, correctional institution, factory and other structure, hut or tent used for human habitation or work or for animal habitation, whether temporary or permanent, moveable or immovable, and includes the curtilage of a building.

Under section 19 of PEI Reg EC475/87, child care facilities must be inspected at least annually to ensure compliance with P.E.I.’s *Fire Prevention Act*.

### **(c) Alberta**

In Alberta, day care facilities, which include day care centres, family day homes and nursery schools, are subject to the *Public Health Act*, and the *Institutions Regulation*, Alta Reg 143/1981.

The building maintenance requirements of these institutions are found in Alta Reg 143/1981:

5 No renovation, construction or alteration with respect to an institution that requires a building permit shall be undertaken without the approval of the local board.

6 The land and premises used in whole or in part as an institution shall be of such construction and in such a state of repair that it does not create a hazard to the safe and sanitary operation of the institution.

...

24 In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program and shall comply with the following:

(a) all paints used shall be lead free and non-toxic when dry;

(b) medical supplies, corrosive agents and similar products shall be labelled and stored according to the directions on the label in an enclosure accessible to authorized personnel only;

(c) persons shall be adequately protected, in the opinion of the local board, from radiators, water pipes, electrical outlets, toxic plants and other hazards;

(d) all supplies for communal use shall be maintained in a clean and sanitary condition.

Section 73(1) of the Act makes it an offense to contravene any provision of the Act or its regulations.

In addition to the *Public Health Act*, day care facilities in Alberta are subject to the *Child Care Licensing Act*, SA 2007, c C-10.5 and its regulation, the *Child Care Licensing Regulation*, Alta Reg 143/2008.

Section 5 of the regulation provides that, before issuing or renewing a child care licence, the director – a person designated by the Minister as such for the purposes of the Act – may, *inter alia*,

(a) examine or cause to be examined the premises in which the applicant proposes to provide the child care program,

...

(c) require the applicant to provide evidence that the premises in which the applicant proposes to provide the child care program are in compliance with applicable zoning, health and safety legislation[.]

## I. Private Hospitals

### (a) British Columbia

In British Columbia, private hospitals are subject to the *Hospital Act*, RSBC 1996, c 200. The Act requires that licenses be obtained in order to operate private hospitals (section 6(1)).

Section 7 of the Act sets out the requirements for a license to be issued. Specifically, section 7(4) provides,

7. ...

(4) Before issuing a licence, the minister may require the applicant to establish that the house has been recently inspected by the fire commissioner, the building inspector and other inspectors and officials thought necessary by the minister.

The Act authorizes the Minister to appoint inspectors to ensure that the purposes of the Act are met (section 40).

Inspectors may carry out inspections at any time to ensure the health and safety of the patients. It may consult with provincial or municipal officials regarding, *inter alia*, the hospital's maintenance, operation and management:

**Inspection of licensed hospital and submission of reports to inspector**

19 (1) To determine whether the patients in a licensed hospital are receiving adequate care under safe and satisfactory conditions, an inspector may at any time inspect every part of the hospital and its books and records personally, or by or with a Provincial or municipal official authorized by the inspector whom the inspector thinks it advisable to consult regarding the care or treatment of patients or the maintenance, operation or management of hospitals.

(2) The licensee or superintendent must provide the reports and information required by the inspector within the time specified by the inspector.

The Act does not specify the frequency of inspections nor describe in greater detail their scope.

**(b) Ontario**

Private hospitals in Ontario are subject to the *Private Hospitals Act*, RSO 1990, c P.24. Section 3 of the Act stipulates that a license must be obtained to operate a private hospital. However, no specific requirements for obtaining a license are listed in the Act.

The Act provides that regulations may be made prescribing license requirement as well as safety and maintenance requirements (section 33(1)(a)). The only regulation under the Act, RRO 1990, Reg 937, does not specify any safety or maintenance requirements. The only provision in the regulation dealing with licensing relates to the period of time for which a license is valid (section 22 of the regulation).

## **J. Special Care Facilities**

**(a) Ontario**

Retirement homes in Ontario are subject to the *Retirement Homes Act, 2010*, SO 2010, c 11. The Act requires licensees to follow all prescribed safety standards for retirement homes including standards relating to fire, safety and public health and emergency plans (section 60(3)).

The accompanying regulation, O Reg 166/11, sets out many of those standards, including maintenance standards:

19. (1) Every licensee of a retirement home shall ensure that a maintenance program is in place to ensure that the building forming the retirement home, including both interior and exterior areas and its operational systems, are maintained in good repair.

(2) The maintenance program shall include policies and procedures for routine, preventative and remedial maintenance of the following in the retirement home:

1. Plumbing fixtures, toilets and sinks located in common areas of the home.
2. Heating systems and hot water boilers.
3. If provided by the licensee, ventilation systems, air conditioning systems, hot water holding tanks and computerized systems monitoring the home's water temperature.
4. If provided by the licensee, equipment, devices, assistive aids, positioning aids and shower grab bars.

Inspectors appointed under section 76 of the Act are authorized to carry out inspections of retirement homes at any reasonable time and without notice to determine whether there is compliance with the Act and its regulations (section 77(1) of the Act). Section 77 (3) of the Act addresses the frequency of inspections that a retirement home must undergo:

77. ...

(3) The Registrar shall ensure that every retirement home in respect of which a licence has been issued is inspected under this Act with the frequency that is prescribed or, if no frequency is prescribed, at least once a year.

The frequency of inspections is also addressed in O Reg 166/11:

58.1 For the purposes of subsection 77 (3) of the Act, the Registrar shall ensure that every retirement home in respect of which a licence has been issued is inspected under the Act at least once every three years.

Sections 77(13) to 77(16) address reports prepared as a result of an inspection. Reports are issued to the licensee, the Registrar and the Residents' Council, if any. Draft reports are given first in order to allow licensees an opportunity to provide the inspector with comments.

Section 98 of the Act makes it is an offence to contravene specific sections of the Act, including section 60 of the Act, which relates to care and safety standards.

In addition, most other special care facilities in Ontario are subject to the *Homes for Special Care Act*, RSO 1990, c H.12. Section 1(1) of that Act defines a “home for special care” as “a home for the care of persons requiring nursing, residential or sheltered care”.

The only regulation under the Act is O Reg 636, which sets out standards for special care homes.

The regulation does not set out maintenance requirements other than fire safety maintenance requirements, such as ensuring that chimneys and heating equipment are in safe and good repair (section 23(c) of the regulation). Other standards in the regulation include sleeping accommodation and ventilation requirements (section 21). There are no general maintenance or structural requirements in the Act or in the regulations.

Inspectors may be designated to inspect homes for special care for compliance with the regulation. Officers authorized to inspect buildings under the *Fire Protection and Prevention Act, 1997* may also enter a home for special care at any reasonable time to inspect the premises and to ensure compliance with the regulation (section 40 of the regulation). Regular inspections are carried out by medical officers of health.

### **(b) Nova Scotia**

Special care facilities, including nursing homes, are regulated in Nova Scotia under *Homes for Special Care Regulations*, NS Reg 127/77, a regulation to the *Homes for Special Care Act*, RSNS 1989, c 203.

The regulation provides for regular inspections of special care facilities in section 17:

(2) Every residential care facility, home for the aged and home for the disabled shall be inspected at least once a year by an inspector appointed pursuant to the Act.

(3) Every nursing home and nursing section of a home for special care shall be inspected regularly and at least twice a year, by an inspector appointed pursuant to the Act.

The responsibility to ensure these inspections are carried out falls on the administrator of a home for special care:

29.A (1) The administrator of a home for special care is responsible for ensuring the home is inspected at regular intervals as required by law.

(2) An administrator shall permit an inspector appointed under any statutory authority to conduct an inspection under subsection (1) at any time an inspector considers it necessary.

Although what these inspections entail is not specified in the regulation, the sections immediately following section 29A set out some minimum standards for special care homes:

30. The exterior of a home for special care shall be maintained in a good state of repair and the grounds of the home shall be kept clean and free from debris.
31. All furnishings and equipment of a home shall be maintained in a good state of repair.
32. A home for special care shall not maintain a person in the home or part of the home that is not approved as meeting sanitary requirements.

### **(c) Prince Edward Island**

In Prince Edward Island, nursing homes are regulated by the *Community Care Facilities and Nursing Homes Act*, RSPEI 1988, c C-13. Section 9 of the *Nursing Home Regulations*, PEI Reg EC10/88 specifically addresses inspection of buildings used or to be used as nursing homes:

#### **Building inspection**

9. (1) Any building used or intended to be used by a nursing home for the provision of services shall be inspected for initial licensure and annually thereafter by inspectors with respect to conditions of physical structure and electrical safety, and the applicant or operator shall comply with any direction given by an inspector for the remediation of an unsafe condition.

#### **Idem, operating building**

(2) The operator of a nursing home already in operation at the time of the coming into force of these regulations shall satisfy the Board, on the basis of the inspector's report, with respect to the soundness and safety of any existing building used by the nursing home for the provision of services.

#### **Idem, new facility**

(3) Where an application is made to begin operation of a nursing home which was not operating at the time of the coming into force of these regulations or where the operator of a nursing home wishes to begin licensed use of an existing building not previously used by the nursing home for nursing home purposes, the applicant or operator shall

(a) satisfy the Board, on the basis of the inspector's report, with respect to the soundness and safety of any building intended for use in the provision of services; and

(b) satisfy the Board with respect to its appropriateness for the purposes proposed.

**Idem, new construction**

(4) An operator of an existing nursing home or a person undertaking to establish a nursing home intending new construction or an expansion or structural renovation of an existing building shall submit the plans, prior to construction, to the Board for its approval with respect to appropriateness for the purposes of nursing home services.

**Compliance with standards**

(5) All new construction, major or structural renovations or additions which are commenced after these regulations come into effect shall comply with the specifications of the *National Building Code*, all relevant provincial building standards, and building standards for the handicapped as provided under the *Access to Public Buildings Act*, R.S.P.E.I. 1988, Cap. A-2.

...

The term “inspector” is not defined in the regulations, but is defined in section 1(g) of the Act as “an inspector appointed under section 11”.

Section 11 of the Act, in turn, describes the appointment and functioning of inspectors:

**Inspectors**

11. (1) The Minister may, after consultation with the Board, appoint inspectors.

**Periodic inspection**

(2) Inspectors shall make periodic inspection of licensed facilities.

**Applications, inspection**

(3) Inspectors shall inspect community care facilities or nursing homes in respect of which an application for a license is made.

**Access**

(4) Every applicant or operator shall permit an inspector to enter a facility at any reasonable time and investigate any aspect of the operation of the facility to assess whether it complies with the prescribed standards.

### **Unlicensed premises**

(5) An inspector may enter and carry out an investigation in respect of any premises where the Board has reasonable grounds to suspect that a community care facility or a nursing home is operated in contravention of this Act.

### **Medical examination**

(6) Where an inspector considers that the health of residents may be endangered he may direct the operator of a facility to cause a resident to be examined by a medical practitioner.

### **Report**

(7) An inspector shall report his findings on an inspection to the Board.

In this case, the Board is the Community Care Facilities and Nursing Homes Board (section 1(b) of the Act).

The Act and the regulations do not set out the qualification or training requirements of inspectors.

### **(d) British Columbia**

In British Columbia, special care facilities are regulated under the *Community Care and Assisted Living Act*, SBC 2002, c 75. Maintenance requirements can be found in the *Residential Care Regulation*, BC Reg 96/2009 and apply to hospices, mental health and substance abuse residences, long term care or nursing facilities, as well as community living homes.

The regulation specifically addresses the maintenance of these facilities in section 22:

#### **Maintenance**

22 (1) A licensee must ensure that all rooms and common areas are

- (a) well ventilated,
- (b) maintained in a good state of repair, and
- (c) maintained in a safe and clean condition.

(2) A licensee must ensure that emergency exits are not obstructed or secured in a manner that may hinder exit in an emergency.

- (3) A licensee must ensure that all rooms and common areas, emergency exits, equipment, and monitoring and signalling devices are inspected and maintained on a regular basis.

The inspection of these facilities is provided for in section 9 of the enabling statute, which reads in part,

**Inspection of community care facilities**

9 (1) A licensee must ensure that the community care facility for which their licence is issued is open at all times to visitation and inspection by the director of licensing or a medical health officer, who may

- (a) examine any part of the facility,

- (b) require the licensee to produce for inspection, or for the purpose of obtaining copies or extracts, the financial and other records of the community care facility that can reasonably be presumed to contain information relevant to the administration of this Act and the regulations,

- (c) inquire into and inspect all matters concerning the community care facility, its operations, employees and persons in care, including any treatment or rehabilitation program carried out in the community care facility, and

- (d) make a record of matters described in paragraph (c) and of the condition of the facility.

Under section 4(1)(a) of the Act, the director of licensing has authority to require routine or special report related to any investigations undertaken as a result of complaints or otherwise:

4 (1) Subject to this Act and the regulations, the director of licensing may

- (a) require a health authority to provide routine or special reports on

- (i) the operation of licensed community care facilities within the area for which the health authority has responsibility,

- (ii) the operation of the licensing program of the health authority, and

- (iii) the results of any investigations of community care facilities, or investigations of complaints, conducted for it within the area for which it has responsibility[.]

### **(e) Newfoundland and Labrador**

In Newfoundland and Labrador, personal care homes are regulated under the *Health and Community Services Act*, SNL 1995, c P-37.1.

A “personal care home” is defined at section 2 of the applicable regulation (*Personal Care Home Regulations*, NLR 15/01) as “a premises, place or private residence in which personal care is provided, for remuneration, to 5 or more adults”. “Personal care” is defined as “care and assistance provided to assist a person with his or her daily living activities”.

Section 15(1) of the regulation provides,

15. (1) The minister shall establish policies and guidelines with respect to the standards required for the licensing of a personal care home, the number and qualifications of staff, the provision of personal care and the building, structure, facilities and operation of personal care homes.

A publication by the Department of Health and Community Services indicates that policies and guidelines have been established in accordance with section 15(1). The latest version of the Provincial Personal Care Home Program Operational Standards can be found at [http://www.health.gov.nl.ca/health/publications/april07\\_pch\\_manual.pdf](http://www.health.gov.nl.ca/health/publications/april07_pch_manual.pdf).

A general requirement, at page 14 of the document, is that “[t]he interior and exterior of Personal Care Homes must be well maintained and kept hazard free. Any leaks or water penetrations must be repaired in a timely manner to avoid potential mould and condensation problems.”

While new personal care homes must be constructed in accordance with the most current version of the National Building Code (“NBC”) and the National Fire Code of Canada (“NFC”), “[a]ll existing Personal Care Homes intending to provide a higher level of care or planning to increase home size must also meet the current edition of the NBC and NFC, regardless of which edition the structure was originally constructed to meet” (page 15).

Personal care homes are subject to inspections. First, to obtain a license to operate as a personal care home, the building must be inspected by the Government Service Centre, an agency providing oversight, and must meet all standards (page 29). Once licensed, all personal care home operators, i.e. licensees, must submit monthly reports to the Regional Health Authority on occupancy, care and operational issues (page 6). In addition, the Regional Health Authority is responsible to ensure homes are in compliance with the Personal Care Home Program Operational Standards and completes quarterly visits and monitoring reports. More frequent visits, including follow up visits, announced or unannounced, may be made at the discretion of the Regional Health Authority (page 6). The Regional Health Authority completes an annual review of the personal care home, assessing compliance with provincial standards.

The Government Service Centre monitors physical conditions of personal care homes in accordance with the standards. Annual environmental health and fire and safety inspections are completed by the Government Service Centre with reports filed with the Regional Health Authority (page 6).

Personal care home licenses are valid for a period of one, two or three years. For a license to be renewed, annual inspections carried out by the Government Service Centre are forwarded to the Regional Health Authority which, in turn, completes an annual report of standards compliance, including the report from the Government Service Centre. The Regional Health Authority then follows up on areas of concern and makes a determination concerning continued licensing for the home (page 31).

In addition to proactive inspections, complaint-driven inspections may also take place. If upon inspection an inspector determines that there is non-compliance with a standard or a requirement, the inspector may issue a warning, an order or a penalty (page 33). The final and most serious administrative option is suspending the home's license and discharging its residents (page 34).

## **K. Bridges and Tunnels**

### **(a) Federal**

In Canada, the maintenance and inspection of international bridges and international tunnels is governed by the *International Bridges and Tunnels Act*, SC 2007, c 1 and its accompanying regulation *International Bridges and Tunnels Regulations*, SOR/2009-17.

The regulation requires owners of international bridges and international tunnels to cause them to be inspected regularly (sections 4 to 7) and to submit the resulting reports to the Minister (section 8). Reports must be accompanied by a letter signed by two professional engineers, at least one of whom must be the "team leader" (section 9(2)), defined in section 1 of the regulation as

an engineer who conducts the inspection or who exercises supervisory functions over a person who conducts the inspection, and who has

- (a) in the case of a bridge, a minimum of five years of experience in the design, construction, repair, maintenance and inspection of bridges
- (b) in the case of a tunnel, a minimum of five years of experience in the design, construction, repair, maintenance and inspection of tunnels, including their installed electrical, communication, mechanical and plumbing systems, and a knowledge of the standards and codes applicable to the construction and operation of tunnels.

A detailed visual inspection of an international bridge must be conducted at least every two years (section 5(1)), while a detailed visual inspection of an international tunnel must be conducted at least every year (section 6(1)). An underwater inspection of an international bridge must be conducted at least once every five years (section 5(2)).

“Detailed visual inspection” is defined in section 1(1) the regulation as

an element-by-element visual assessment (including hands-on inspection of fracture critical members) of the material defects, performance deficiencies and maintenance needs of an international bridge or tunnel.

“Underwater inspection” is defined as

a visual or tactual inspection of the submerged structural elements of an international bridge, including a scouring inspection of the bridge.

In addition to these mandated inspections, the Minister may conduct an inspection of an international bridge or international tunnel after giving reasonable notice to the owner (section 7).

Section 9 of the regulation addresses the requirements of the report that results from an inspection:

9. (1) An owner of an international bridge or international tunnel shall ensure that the report referred to in section 8 contains at least the following information:

- (a) the date of the inspection;
- (b) the names of the persons who conducted the inspection;
- (c) the elements of the international bridge or international tunnel that were inspected;
- (d) in the case of an international tunnel, a list of the electrical, communication, mechanical and plumbing systems that were inspected;
- (e) the utilities and their supports whose damage would have an impact on the safety of the international bridge or international tunnel;
- (f) recommendations in respect of maintenance and repair projects, including recommendations as to when such projects must be completed and a list of maintenance work to be carried out;

(g) a list of inspections to be conducted following the inspection in respect of which the report is prepared, and a recommendation as to when those inspections must be completed;

(h) the maintenance work, major repairs and other work completed since the previous inspection report; and

(i) the special condition surveys, tests and other additional engineering investigations into the condition of the international bridge or international tunnel completed since the previous inspection report.

(2) The owner shall ensure that the report is accompanied by a letter signed and sealed by two engineers, one of whom is the team leader, attesting to the correctness of the information in the report and providing a statement as to the overall condition of the structure.

Further, section 12 of the regulation requires international bridge owners to ensure that a prescribed evaluation of the bridge's capacity to carry traffic loads is conducted when certain triggering events occur, among them, "observed or suspected defects, deterioration or damage that may affect load capacity" (section 12(a)). A report on an evaluation of the bridge's capacity to carry traffic loads must be submitted to the Minister within 60 days after the evaluation is completed (section 13).

All bridges in Canada are also subject to the *Bridges Act*, RSC 1985, c B-8. While regular inspections are not mandated, the Act allows the Minister to direct any bridge to be inspected by an engineer:

**Inspection of unsafe bridge**

7. The Minister may direct any engineer attached to or employed by the Department of Public Works and Government Services to examine, inspect and report to the Minister on any bridge, whenever he receives information to the effect that the bridge, through want of repair, insufficiency or erroneous construction, or from any other cause, is dangerous to the public using the bridge, or whenever circumstances arise that, in the opinion of the Minister, render an examination or inspection expedient.

On receiving an engineer's report on the state of the bridge, the Minister may condemn the bridge or order that it be replaced or altered:

**Minister may condemn bridge**

8. (1) The Minister, on the report of the engineer under section 7, may

(a) condemn the bridge or any portion thereof, or any of the works or appliances connected therewith; and

(b) with the approval of the Governor in Council, require the substitution of a new bridge for that bridge, or a portion thereof to be renewed, or the use of any materials for any part of that bridge, or any change or alteration therein or any part thereof.

Bridge owners must supply inspecting engineers with "all contracts, plans, specifications, drawings and documents relating to the construction, repair or state of repair of the bridge" to facilitate its inspection (section 10).

If the inspecting engineer considers the bridge to be unsafe, he or she may prohibit its use under section 12 of the Act:

**Use of bridge may be suspended**

12. When in his opinion a bridge is dangerous, the inspecting engineer may, by notice in writing, stating the reasons for his opinion, and distinctly specifying the defects or the nature of the danger to be apprehended, delivered to the president, managing director, secretary or superintendent of the company that owns, uses or controls the bridge, forbid, until alterations, substitutions or repairs are made therein,

(a) the running of any railway or tramway train or car over the bridge when the bridge is intended for, and, in his opinion, dangerous to the passage of any train or car;

(b) the passage of any vehicle over the bridge when the bridge is intended for, and, in his opinion, dangerous to the passage of any vehicle; or

(c) the passage of any passenger over the bridge when the bridge is intended for, and, in his opinion, dangerous to passengers.

## **(b) Ontario**

Public bridges in Ontario are subject to the *Public Transportation and Highway Improvement Act*, RSO 1990, c P.50 and its regulations. *Standards for Bridges*, O Reg 104/97 addresses the standards for public bridges and requires that “[e]very bridge ... be kept safe and in good repair” (section 3 of the regulation). Bi-annual inspections are mandated to ensure public safety:

2. ...

(3) The structural integrity, safety and condition of every bridge shall be determined through the performance of at least one inspection in every second calendar year under the direction of a professional engineer and in accordance with the Ontario Structure Inspection Manual.

## **L. Marine Facilities**

### **(a) Federal**

In Canada, marine facilities are subject to the *Marine Transportation Security Act*, SC 1994, c 40. Section 2(1) of the Act defines a marine facility as follows:

“marine facility” includes

(a) an area of land, water, ice or other supporting surface used, designed, prepared, equipped or set apart for use, either in whole or in part, for the arrival, departure, movement or servicing of vessels,

(b) buildings, installations and equipment on the area, associated with it or used or set apart for handling or storing goods that have been or are destined to be transported on a vessel,

(c) equipment and facilities used to provide services relating to marine transportation, and

(d) marine installations and structures, as defined in section 2 of the *Canadian Laws Offshore Application Act*;

The Act's regulation SOR/2004-144 requires the Minister to carry out "marine facility security assessments", which must include an assessment of the structural integrity of the marine facility:

318. The Minister shall conduct the marine facility security assessment, which addresses the following elements in respect of the marine facility, as applicable:

- (a) the physical security;
- (b) the structural integrity;
- (c) personnel protection systems;
- (d) operational procedures that might impact on security;
- (e) its radio and telecommunications systems, including computer systems and networks;
- (f) relevant transportation support infrastructure;
- (g) utilities; and
- (h) other elements that might, if damaged or used illicitly, pose a risk to people, property or operations at the marine facility.

Section 317 of regulation SOR/2004-144 is the general provision regarding marine facility security assessments, and section 316 of regulation SOR/2004-144 specifies the skills and knowledge required of those who provide security assessment information, including knowledge in marine or civil engineering.

Similar provisions can be found in the Act's other regulation, SOR/2009-321, in respect of domestic ferries and domestic ferry facilities.

## **M. Airports and Aerodromes**

### **(a) Federal**

Airports and aerodromes are federally regulated under the *Aeronautics Act*, RSC 1985, c A-2 and are subject to inspections under the *Canadian Aviation Regulations*, SOR/96-433. The regulation does not specify the scope or frequency of the inspections.

The provision dealing with aerodrome inspections provides,

301.02 The operator of an aerodrome shall, without charge, at the request of a Department of Transport inspector, allow the inspector access to aerodrome facilities and provide the equipment necessary to conduct an inspection of the aerodrome.

The provision dealing with airport inspections provides in part,

302.07 (1) The operator of an airport shall

(a) comply

(i) subject to subparagraph (ii), with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the airport certificate was issued,

(ii) in respect of any part or facility of the airport that has been replaced or improved, with the standards set out in the aerodrome standards and recommended practices publications, as they read on the date on which the part or facility was returned to service, and

(iii) with any conditions specified in the airport certificate by the Minister pursuant to subsection 302.03(3);

(b) without charge, at the request of a Department of Transport inspector, allow access to airport facilities and provide the equipment necessary to conduct an inspection of the airport;

...

(e) as the circumstances require for the purpose of ensuring aviation safety, inspect the airport

(i) as soon as practicable after any aviation occurrence, as that term is defined in section 2 of the *Canadian Transportation Accident Investigation and Safety Board Act*,

(ii) during any period of construction or repair of the airport or of airport facilities that are designated in the airport certificate, and

(iii) at any other time when there are conditions at the airport that could be hazardous to aviation safety[.]

The Aerodromes Standards and Recommended Practices (revised 03/2005) referred to in section 302.07(a)(1) of the regulation is published by Transport Canada and requires all aerodromes to have maintenance programs in place:

#### 9.4 Maintenance

##### 9.4.1 General

9.4.1.1 Standard - A maintenance programme including preventive maintenance where appropriate shall be established at an aerodrome to maintain facilities in a condition which does not impair the safety, regularity or efficiency of air navigation.

Note1 - Preventive maintenance is programmed maintenance work done in order to prevent a failure or degradation of facilities.

Note2 - "Facilities" are intended to include, but are not limited to, such items as pavements, prepared surfaces, visual aids, fencing, drainage systems and buildings.

Note3 - Guidance on the development of an airport self inspection program is contained in the TC Airports Safety Program Manual, TP11465 [this manual is no longer available. See <http://www.tc.gc.ca/eng/civilaviation/publications/tp312-manuals-920.htm>].

The Aerodromes Standards and Recommended Practices is available at <http://www.tc.gc.ca/eng/civilaviation/publications/tp312-menu-4765.htm>

## N. Theatres and Places of Amusement

### (a) Nova Scotia

In Nova Scotia, theatres and "places of amusement" are regulated under the *Theatres and Amusements Act*, RSNS 1989.

A "theatre" is defined as in section 2(i) as "any building, tent, enclosure or place in which any performance is given in respect to which an admission fee is charged" and includes movie theatres and live performance venues. A "place of amusement" is defined in section 2(h) as including,

every building, tent, enclosure or place and every structure, apparatus, machine, contrivance or device whatsoever, the purpose of which is to provide any amusement or recreation whatsoever for the public or some of them and which is conducted for gain, but does not include a theatre where only a performance is given therein[.]

The Act gives the Minister the authority to appoint inspectors:

5. ...

(6D) The Minister may appoint inspectors for the purpose of this Act and the regulations.

(7) An inspector and every peace officer shall for the purposes of enforcing this Act, and the regulations, have power to enter and to inspect theatres and to inspect cinematographs, and to inspect places of amusement.

(8) An inspector shall perform such other duties as the Minister requires.

The Act also gives the Minister the authority to make regulations regarding inspections (see, for example, section 4(1)(e) of the Act).

The *Theatres and Amusements Regulations*, NS Reg 90/2005 prescribes that, in order to issue or renew a license to operate, theatres and places of amusement must be inspected to ensure compliance with Nova Scotia's *Fire Safety Act* and its *Building Code Act*:

#### **Issue and renewal of theatre licenses**

17. ...

(4) The Minister must not issue a theatre license until the Fire Marshal or a fire official inspects the theatre and determines that the theatre is in compliance with the *Fire Safety Act*, the *Building Code Act* and any regulations made under those Acts.

(5) The Minister must not renew a theatre license until the Fire Marshal or a fire official determines that the theatre is in compliance with the *Fire Safety Act*, the *Building Code Act* and any regulations made under those Acts.

...

#### **Issue and renewal of place of amusement licenses**

37. ...

(4) The Minister must not issue a place of amusement license until the Fire Marshal or a fire official has inspected the place of amusement and has determined that the place of amusement is in compliance with the *Fire Safety Act*, the *Building Code Act* and any regulations made under those Acts.

(5) The Minister must not renew a place of amusement license until the Fire Marshal or a fire official has determined that the place of amusement is in compliance with the *Fire Safety Act*, the *Building Code Act* and any regulations made under those Acts.

The regulation does not specify the types of inspections that inspectors appointed under the Act would be required to carry out.

## O. Condominiums

### (a) Ontario

In Ontario, the *Condominium Act, 1998*, S.O. 1998. c. 19, requires the condominium corporation to undertake periodic “reserve fund” studies to determine whether the assets of the corporation are sufficient to cover the costs of upcoming repairs and maintenance.

The provision in question reads,

#### **Reserve fund study**

94. (1) The corporation shall conduct periodic studies to determine whether the amount of money in the reserve fund and the amount of contributions collected by the corporation are adequate to provide for the expected costs of major repair and replacement of the common elements and assets of the corporation.

#### **Contents of study**

(2) A reserve fund study shall be of the prescribed class, shall include the material that is prescribed for its class and shall be performed in accordance with the standards that are prescribed for its class.

#### **Updates**

(3) For the purposes of this Act, an update to a reserve fund study shall constitute a class of reserve fund study.

#### **Time of study**

(4) A corporation created on or after the day this section comes into force shall conduct a reserve fund study within the year following the registration of the declaration and description and subsequently at the prescribed times.

**Same, existing corporations**

(5) A corporation created before the day this section comes into force shall conduct a reserve fund study at the prescribed times.

**Person conducting study**

(6) A reserve fund study shall be conducted by a person of a prescribed class who shall have no affiliation with the board or with the corporation that is contrary to the regulations made under this Act.

**Cost of study**

(7) The cost of conducting the study shall be a common expense which the board may charge to the reserve fund.

**Plan for future funding**

(8) Within 120 days of receiving a reserve fund study, the board shall review it and propose a plan for the future funding of the reserve fund that the board determines will ensure that, within a prescribed period of time and in accordance with the prescribed requirements, the fund will be adequate for the purpose for which it was established.

**Copy of plan**

(9) Within 15 days of proposing a plan, the board shall,

(a) send to the owners a notice containing a summary of the study, a summary of the proposed plan and a statement indicating the areas, if any, in which the proposed plan differs from the study; and

(b) send to the auditor a copy of the study, a copy of the proposed plan and a copy of the notice sent to the owners under clause (a).

**Implementation of proposed plan**

(10) The board shall implement the proposed plan after the expiration of 30 days following the day on which the board complies with subsection (9).

Specific requirements of reserve fund studies can be found in Part IV of O. Reg. 48/01:

**Definition**

**27.** In this Part,

“component inventory” means an inventory, in a reserve fund study of a corporation, of each item of the common elements and assets of the corporation that requires, or is expected to require within at least 30 years of the date of the study, major repair or replacement where the cost of replacement is not less than \$500.

### **Classes**

**28.** The following classes of reserve fund studies are established:

1. Comprehensive study.
2. Updated study based on a site inspection.
3. Updated study not based on a site inspection.

### **Contents of studies**

**29.** (1) A reserve fund study shall consist of a physical analysis and a financial analysis.

(2) The physical analysis shall consist of,

(a) the component inventory of the corporation; and

(b) an assessment of each item in the component inventory that states its actual or estimated year of acquisition, its present or estimated age, its normal expected life, its remaining life expectancy, the estimated year for its major repair or replacement, its estimated cost of major repair or replacement as of the date of the study, the percentage of that cost of major repair or replacement to be covered by the reserve fund and the adjusted cost resulting from the application of that percentage.

(3) The financial analysis shall consist of,

(a) a description of the financial status of the reserve fund as of the date of the study; and

(b) a recommended funding plan projected over a period of at least 30 consecutive years, beginning with the current fiscal year of the corporation, that shows the minimum balance of the reserve fund during the period and, for each projected year,

(i) the estimated cost of major repair or replacement of the common elements and assets of the corporation based on current costs for the year in which the study is conducted,

(ii) the estimated cost of major repair or replacement of the common elements and assets of the corporation at the estimated time of the repair or replacement based on an assumed annual inflation rate,

(iii) the annual inflation rate described in subclause (ii),

(iv) the estimated opening balance of the reserve fund,

(v) the recommended amount of contributions to the reserve fund, determined on a cash flow basis, that are required to offset adequately the expected cost in the year of the expected major repair or replacement of each item in the component inventory,

(vi) the estimated interest that will be earned on the reserve fund based on an assumed annual interest rate,

(vii) the annual interest rate described in subclause (vi),

(viii) the total of the amounts described in subclauses (v) and (vi),

(ix) the increase, if any, expressed as a percentage, in the recommended amount of contributions to the reserve fund over the recommended amount of contributions for the immediately preceding year, and

(x) the estimated closing balance of the reserve fund.

(4) In preparing or updating the component inventory of the corporation, the person conducting the study shall review,

(a) the declaration and description;

(b) if any, the current by-laws or proposed by-laws of the corporation establishing what constitutes a standard unit; and

(c) if there is no by-law described in clause (b), a copy of the schedule that the declarant intends to deliver or has delivered to the board under clause 43 (5) (h) of the Act.

(5) In preparing or updating the financial analysis described in subsection (3), the person conducting the study shall review,

- (a) the most recent audited financial statements of the corporation or, if section 60 of the Act does not require the corporation to appoint auditors, the most recent financial statements of the corporation;
- (b) all reciprocal cost sharing agreements, if any, of the corporation;
- (c) the most recent reserve fund study of the corporation; and
- (d) the most recent notice, if any, of future funding of the reserve fund sent to the owners under clause 94 (9) (a) of the Act.

**Method of conducting studies**

- 30.** (1) The person conducting a reserve fund study shall sign it.
- (2) A comprehensive study or an updated study based on a site inspection shall be based on,
- (a) a visual site inspection of the property, including a visual inspection of each item in the component inventory where practicable;
  - (b) all other inspections of each item in the component inventory that the person conducting the study considers appropriate or necessary;
  - (c) a verification of records of the corporation; and
  - (d) interviews with those of the corporation's directors, officers, employees and agents that the person conducting the study considers appropriate.
- (3) As part of preparing the assessment described in clause 29 (2) (b) in a comprehensive study or updating the assessment in an updated study based on a site inspection, the person conducting the study shall review,
- (a) all existing warranties, guarantees and service contracts for each item in the component inventory;
  - (b) the as-built architectural, structural, engineering, mechanical, electrical and plumbing plans for the property that are in the custody or under the control of the corporation;
  - (c) the as-built specifications for the buildings that are in the custody or under the control of the corporation;

(d) the plans for underground site services, site grading, drainage and landscaping, and television, radio or other communications services for the property that are in the custody or under the control of the corporation;

(e) the repair and maintenance records and schedules in the custody or under the control of the corporation; and

(f) all other records of the corporation that the person conducting the study requires in order to prepare the assessment.

(4) An updated study not based on a site inspection shall be based on a verification of records of the corporation and interviews with those of its directors, officers, employees and agents that the person conducting the study considers appropriate.

(5) In addition to the material that a reserve fund study is required to contain, the study may contain all further information and analysis that the person conducting the study or the board considers appropriate or necessary.

#### **Time for studies**

**31.** (1) A corporation created before the day section 94 of the Act comes into force shall conduct a comprehensive study within three years of that day except if,

(a) on that day it has a comprehensive study that meets the requirements of this Regulation; and

(b) it conducts an updated study based on a site inspection within three years of that day.

(2) The reserve fund study that subsection 94 (4) of the Act requires a corporation created on or after the day section 94 of the Act comes into force to conduct within the year following the registration of the declaration and description shall be a comprehensive study.

(3) A corporation shall conduct a reserve fund study within three years of completing the reserve fund study that it is required to conduct under subsection (1) or (2), as the case may be, and after that, within every three years after completing the immediately preceding reserve fund study.

(4) A reserve fund study that a corporation is required to conduct under subsection (3) shall be,

(a) a comprehensive study;

(b) an updated study not based on a site inspection, if the immediately preceding reserve fund study for the corporation was a comprehensive study or an updated study based on a site inspection; or

(c) an updated study based on a site inspection, if the immediately preceding reserve fund study for the corporation was an updated study not based on a site inspection.

### **Person conducting studies**

**32.** (1) Subject to subsection (2), the following classes are prescribed as persons who may conduct a reserve fund study:

1. Members of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute.
2. Persons who hold a certificate of practice within the meaning of the *Architects Act*.
3. Members of the Ontario Association of Certified Engineering Technicians and Technologists who are registered as certified engineering technologists under the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1998*.
4. Members of the Real Estate Institute of Canada holding the designation of certified reserve planner.
5. Persons who hold a certificate of authorization within the meaning of the *Professional Engineers Act*.
6. Graduates of Ryerson University with a Bachelor of Technology (Architectural Science) — Building Science Option or Architecture Option.
7. Members of the Canadian Institute of Quantity Surveyors holding the designation of professional quantity surveyor.
8. Members of the Association of Architectural Technologists of Ontario holding the designation of architectural technologist, architecte-technologue or registered building technologist under the *Association of Architectural Technologists of Ontario Act, 1996*.

(2) A person who conducts a reserve fund study shall not,

(a) be a director, officer or property manager of the corporation;

(b) directly or indirectly, have an interest in,

(i) a contract or transaction to which a director or officer of the corporation is a party in a capacity other than as a director or officer of the corporation, or

(ii) a proposed contract or transaction to which a director or officer of the corporation will be a party in a capacity other than as a director or officer of the corporation;

(c) be the spouse, son or daughter of a director or officer of the corporation or son or daughter of the spouse of a director or officer of the corporation;

(d) be an owner as defined in the Act in relation to the corporation; or

(e) be a person who lives on the property managed by the corporation under section 17 of the Act.

...

(4) A person who conducts a reserve fund study shall be insured under a policy of liability insurance that includes,

(a) coverage for liability for errors, omissions and negligent acts arising out of conducting or not conducting a reserve fund study, subject to the exclusions, conditions and terms that are consistent with normal insurance industry practice;

(b) a policy limit for each single claim of not less than \$1 million per occurrence;

(c) an aggregate policy limit in the amount of not less than \$2 million per year for all claims in the year or an automatic policy reinstatement feature; and

(d) a maximum deductible amount of \$3,500 per occurrence

(5) A person who conducts a reserve fund study shall ensure that the policy of liability insurance is valid at the time the reserve fund study is completed and is kept valid for a period of at least three years after that time.

(6) Upon request, the person shall provide to the corporation a certificate of the policy of liability insurance.

### **Plan for future funding**

**33.** (1) Except in the case of a corporation to which subsection (2) applies, the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be the fiscal year of the corporation following the fiscal year in which the reserve fund study is completed.

(2) In the case of all reserve fund studies that a corporation created before the day section 94 of the Act comes into force is required to conduct after that date under subsection 31 (1) and within 15 years after the date of the first reserve fund study that it is required to conduct after that coming into force date, the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be 15 years from the date of that first reserve fund study.

(3) The notice that the board is required to send under subsection 94 (9) of the Act shall be in the form that is entitled “Notice of Future Funding of the Reserve Fund” and dated September 1, 2011, as it appears on the Government of Ontario website.

## **P. Fire Safety Legislation**

### **(a) New Brunswick**

In New Brunswick, the *Fire Prevention Act*, RSNB 1973, c F-13, authorizes the Fire Marshall and others to inspect any building, with or without a complaint from the public:

The fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, upon complaint of a person interested, or when he or they deem it necessary without such complaint, may inspect any building or premises within their jurisdiction, and for the purpose may, at all reasonable hours, enter into and upon any building or premises.  
[Section 11 of the Act]

If the disrepair of a building has made it more susceptible to fire, the Act authorizes the Fire Marshall and others to take specific actions, including ordering the owner to repair or to demolish the building:

12(1) When the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant finds a building or other structure that, for want of proper repair or by reason of age and dilapidated condition or for any cause, is especially liable to fire, or that is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein or that exits from the building or buildings are

inadequate or improperly used, or that there are in or upon any building or premises, combustible or explosive material or conditions dangerous to the safety of persons, buildings or premises, he may order the owner or occupant to

(a) remove or demolish such building or make such repairs or alterations as such officer deems necessary;

(b) remove such combustible or explosive material or remove or repair anything that may constitute a fire hazard;

(c) install safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such fire escapes and exit doors as such officer deems necessary to afford ample exit facilities in the event of fire or an alarm of fire;

(d) carry out such drills and evacuation procedures as the fire marshal feels necessary where the major concern is to save lives by an orderly evacuation of persons at the time an emergency arises.

The Act and the regulations do not mandate regular inspections.

Similar provisions, also without mandated regular inspections, are found in the *Fire Prevention Act*, RSNWT 1988, c F-6 (Northwest Territories), and the *Fire Prevention Act*, RSPEI 1988, c F-11 (Prince Edward Island).

## **(b) Ontario**

While fire safety legislation in New Brunswick, Prince Edward Island and the Northwest Territories specifically authorizes designated individuals to order repairs to a dilapidated building, the provisions in the *Fire Protection and Prevention Act, 1997*, SO 1997, c 4, contain an exception. The Fire Marshall is generally not authorized to order repairs to a building if the building is in compliance with the version of the *Building Code Act* in effect at the time it was built. If such an order is made, a copy must be provided to the Chief Building Official:

### **Inspection orders**

21. (1) An inspector who has carried out an inspection of land or premises under section 19 or 20 may order the owner or occupant of the land or premises to take any measure necessary to ensure fire safety on the land and premises and may for that purpose order the owner or occupant,

(a) to remove buildings or structures from the land or premises;

(b) to make structural and other repairs or alterations, including material alterations, to the buildings or structures;

(c) to remove combustible or explosive material or any thing that may constitute a fire hazard;

(d) to install and use specified equipment or devices as may be necessary to contain hazardous material on the land or premises and, in the event of a fire, to remove or transport the material;

(e) to discontinue the manufacturing, production or fabrication of any material, device or other thing that creates or poses an undue risk of fire or explosion;

(f) to do anything respecting fire safety including anything relating to the containment of a possible fire, means of egress, fire alarms and detection, fire suppression and the preparation of a fire safety plan;

(g) to remedy any contravention of the fire code.

...

#### **Limitation on orders relating to structural repairs**

22. (1) No inspector shall make an order under clause 21 (1) (b) requiring structural repairs or alterations to a building, structure or premises that was constructed in compliance with the building code established under the Building Code Act, 1992 or under a predecessor to that Act and that continues to comply with that code as it existed at the time of construction, unless the order is necessary to ensure compliance with the provisions of the fire code relating to the retrofitting of existing buildings.

#### **Repairs, etc., deemed not to contravene Building Code**

(2) If repairs, alterations or installations are carried out in compliance with an order made under subsection 21 (1) or for the purposes of complying with the fire code, the repairs, alterations or installations shall be deemed not to contravene the building code established under the *Building Code Act, 1992*.

#### **Copy of order**

(3) An inspector who makes an order requiring repairs, alterations or installations to be made to a building, structure or premises shall furnish a copy of the order to the proper chief building official appointed under the *Building Code Act, 1992*.

As with the fire safety legislation considered in the previous section, regular inspections are not mandated in Ontario's legislative scheme. The powers to inspect are permissive only:

19. ...

#### **Inspections**

(2) An inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety.

#### **Time of entry**

(3) The power to enter and inspect land and premises without a warrant may be exercised at all reasonable times.

Under the *Fire Code*, O Reg 213/07, the owner of a building is responsible for inspecting and testing various fire safety components on a regular basis, including fire alarms and sprinkler systems (see section 1.2.1.1 of the Code).

### **(c) Saskatchewan**

In Saskatchewan, fire inspectors are authorized to issue orders if there is a contravention of the *Fire Prevention Act, 1992*, SS 1992, c F-15.001 (section 19(1)). Fire commissioners may also issue orders if there is a situation that is dangerous to life or property, including an order closing down the building:

(2) Notwithstanding any other provision of this Act or the regulations, where in the course of an investigation or inspection pursuant to this Act, the fire commissioner is of the opinion that a condition exists creating a serious danger to life or property, the fire commissioner may do all or any of the following:

(a) use any measures that the fire commissioner considers appropriate to remove or lessen the condition;

(b) evacuate and close or cause the closing of a building, structure or premises where the contravention exists for any period that the fire commissioner considers appropriate.

(3) A fire inspector may request the assistance of a peace officer to assist in carrying out the provisions of this section.

Regular inspections are not mandated, but inspections to ensure compliance are authorized:

### **Inspection of buildings, structures or premises**

18(1) For the purposes of ensuring compliance with this Act, the regulations or any order made pursuant to this Act, any fire inspector may, at any reasonable time, enter and inspect any building, structure or premises.

(2) A fire inspector making an inspection pursuant to subsection (1) may:

- (a) collect data or samples;
- (b) make any inspection or study;
- (c) conduct any test;
- (d) examine books, records and documents;
- (e) require the production of documents and property for the purposes of examination or making copies.

...

(4) Where the fire inspector considers it necessary for the purposes of the entry, the inspector may temporarily close the land, building, structure or premises until the purpose of the entry is fulfilled.

### **(d) Manitoba**

Under the *Fires Prevention and Emergency Response Act*, CCSM c F80, the fire commissioner or a person designated by the fire commissioner may take action, including closing down the building in question, if in the course of an inspection they perceive a situation which puts life or property at risk. The relevant provisions are found at section 11 of the Act:

#### **Immediate actions may be taken**

11(1) During the course of or after investigating a fire or carrying out a fire safety inspection, the fire commissioner or designate may take any of the following actions that he or she considers necessary, with respect to the land or premises, for the immediate protection of persons and property:

- (a) cause the land or premises to be closed immediately and persons on the land or premises to be removed;

(b) post a fire watch, make repairs to existing fire safety systems and install temporary safeguards, including fire extinguishers and smoke alarms;

(c) eliminate ignition sources and remove combustible or explosive material or anything that may constitute a fire menace, and dispose of that material or thing in accordance with any directives issued by the fire commissioner under clause 2(3)(g);

(d) do any other thing that the fire commissioner or designate reasonably believes is immediately required to remove or reduce the threat to life or property.

#### **Notice of actions to owner and occupants**

11(2) After taking an action under subsection (1), the fire commissioner or designate must promptly give notice to the owner of the land or premises, and, if it is occupied by someone other than the owner, to the occupant.

#### **Content of notice**

11(3) A notice under subsection (2) must describe the location of the land or premises, and state the reason for the entry and the actions taken.

Unlike the other fire safety legislation considered in this paper, the Manitoba Act specifically refers to regular inspections of certain buildings and provides that local authorities are responsible for carrying them out:

#### **Local authority must inspect prescribed buildings**

21(1) Subject to subsection (3), a local authority must

(a) establish a system for conducting regular fire safety inspections of prescribed buildings within its boundaries; and

(b) ensure that its local assistant, or a person exercising the powers, duties and functions of a local assistant, carries out those inspections.

#### **Records to be kept and made available**

21(2) The local authority must ensure that

(a) a record in the approved form is made of every fire safety inspection of a prescribed building done by the local authority;

(b) the records are made available, on request, to the fire commissioner; and

(c) unless otherwise prescribed by regulation, the records are kept for at least seven years.

#### **Fire commissioner to inspect prescribed buildings**

21(3) Despite any other provision of this Act, the Lieutenant Governor in Council may prescribe buildings or classes of buildings in respect of which only the fire commissioner or a person authorized in writing by the fire commissioner may carry out a fire safety inspection.

The *Fire Safety Inspections Regulation*, Man Reg 73/2007, enacted under the authority of the Act, sets out which types of buildings must be inspected regularly:

#### **Buildings that must be inspected**

1(1) Annually, a local authority must ensure a fire safety inspection is conducted of each building within its boundaries that is used as

- (a) an elderly persons' housing unit or hostel, as defined in *The Elderly and Infirm Persons' Housing Act*;
- (b) a child care centre licensed under *The Community Child Care Standards Act*;
- (c) a personal care home as defined in *The Health Services Insurance Act*;
- (d) a residential care facility as defined in the *Manitoba Fire Code*, Manitoba Regulation 216/2006; or
- (e) a hospital.

1(2) At least every three years, a local authority must ensure a fire safety inspection is conducted of each building within its boundaries that is used as:

- (a) licensed premises as defined in *The Liquor Control Act*;
- (b) a public or private school, as defined in *The Education Administration Act*;
- (c) a recreation centre, including without limitation, an arena, curling rink and community club;
- (d) a hotel or motel; or
- (e) a restaurant located in a building that contains one or more dwelling units.

Regular fire safety inspections must also be carried out by the appropriate body in areas not within a municipality (section 32 of the Act).

The term “fire safety inspection” is defined in section 1(1) of the Act as,

an inspection of land or premises to determine

(a) whether the land or premises complies with this Act and the regulations; and

(b) what actions or measures are necessary to eliminate or reduce the effects of a fire or other emergency that might occur on the land or premises.

There are no more specific requirements for a fire safety inspection in the Act or the relevant regulations.

## Q. Workplaces

### (a) Ontario

In Ontario, the *Occupational Health and Safety Act*, RSO 1990, c O.1 applies to most workplaces, with some exceptions (see sections 2 and 3). It requires that every building that is a place of work to which the Act applies,

is capable of supporting any loads that may be applied to it,

(i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,

(ii) in accordance with such other requirements as may be prescribed, or

(iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply. [Section 25(1)(e) of the Act]

An inspector designated as such under the Act may enter and inspect a workplace and may, *inter alia*,

54. (1) ...

(m) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report bearing the seal and signature of a professional engineer stating,

(i) the load limits of a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent,

(ii) that a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or

(iii) that a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it,

(A) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction,

(B) in accordance with such other requirements as may be prescribed, or

(C) in accordance with good engineering practice, if sub-subclauses (A) and (B) do not apply.

If inspectors note a contravention of the Act or its regulations, they may issue an order requiring that the owner comply with the Act and regulations (section 57(1)). If an order is made under section 57(1) and the contravention in question is a danger or hazard to the health or safety of a worker, the inspector may, *inter alia*, issue a stop work order and prevent access to the workplace (section 57(6)).

There are no provisions in the Act requiring regular inspection of workplaces by Ministry of Labour inspectors. Representatives of the workplace's joint occupational health and safety committee must inspect the physical condition of a workplace at least once a month (section 8(6)), unless this is not practicable.

If joint occupational health and safety committee representatives identify a situation that may be a danger or hazard to workers, they can make recommendations or report their findings to the employer, the workers and the any union representing the workers (section 8(10)). An employer who receives any such recommendations must respond in writing to the representative within 21 days (section 8(12)). The response must include a timetable for implementing the recommendations the employer agrees with and reasons why the employer disagrees with any recommendations (section 8(13)).

The Act does not require any notice to any governmental authority about such recommendations. For example, if an employer ignores a recommendation, there is no requirement to report the inaction to a governmental authority, unless someone voluntarily chose to report this to the Ministry of Labour.

In addition, a worker who considers a situation or a condition to be unsafe may refuse to continue to work (section 43(3)). This provision does not apply to certain types of workers such as police officers and firefighters (section 43(1) and section 43(2)). The refusal to work must be reported (section 43(4)) and an investigation into the refusal must be launched by a Ministry of Labour inspector (section 43(7)).

A Ministry of Labour inspector is also notified when there is a death or a critical injury in a workplace (section 51).

### **(b) British Columbia**

In British Columbia, the occupational health and safety scheme is found in Part 3 of the *Worker's Compensation Act*, RSBC 1996, c 492.

The Act has a scheme similar to the one in Ontario: Joint occupational health and safety committees are required for workplaces of over 20 people (section 125 of the Act); committee representatives identify any health and safety issues in the workplace and make recommendations to the employer (section 130 of the Act); and employers must respond in writing to the recommendations of the committee (section 133 of the Act). However, unlike the Ontario scheme,

If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to the Board, which may investigate and attempt to resolve the matter. [Section 133(3) of the Act]

The Board means the Workers' Compensation Board (section 1 of the Act).

In addition, the Workers' Compensation Board and its officers are responsible for carrying out inspections of workplaces (section 179(1) of the Act). Section 179(2) of the Act gives Board officers the authority to carry out an inspection at any reasonable time of the day or night, or at any other time if there are reasonable grounds for believing that a hazardous situation exists for workers. Regular periodic inspections are not mandated.

Unlike Ontario, where Ministry of Labour inspectors have no specific authority to modify orders or exempt anyone from their application, the regime in British Columbia gives the Board wide discretion in drafting orders:

#### **Contents and process for orders**

188 (1) An order may be made orally or in writing but, if it is made orally, must be confirmed in writing as soon as is reasonably practicable.

(2) An order may be made applicable to any person or category of persons and may include terms and conditions the Board considers appropriate.

The Board may issue a stop work order any time it deems that an immediate danger exists:

**Orders to stop work**

191 (1) If the Board has reasonable grounds for believing that an immediate danger exists that would likely result in serious injury, serious illness or death to a worker, the Board may order

(a) that work at the workplace or any part of the workplace stop until the order to stop work is cancelled by the Board, and

(b) if the Board considers this is necessary, that the workplace or any part of the workplace be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access to the area until the danger is removed.

(2) If an order is made under subsection (1) (b), an employer, supervisor or other person must not require or permit a worker to enter the workplace or part of the workplace that is the subject of the order, except for the purpose of doing work that is necessary or required to remove the danger or the hazard and only if the worker

(a) is protected from the danger or the hazard, or

(b) is qualified and properly instructed in how to remedy the unsafe condition with minimum risk to the worker's own health or safety.

However, unlike Ontario, workers do not have a right to refuse work as a result of a dangerous or hazardous situation, nor are there any exemptions in Part 3 of the Act with respect to certain types of workers, such as police officers or firefighters.

Generally, employers must ensure workplace buildings and structures are structurally sound:

**Safe buildings and structures**

4.2 The employer must ensure that each building and temporary or permanent structure in a workplace is capable of withstanding any stresses likely to be imposed on it.

*[Occupational Health and Safety Regulation, BC Reg 296/97, Part 4 — General Conditions]*

Employers must also,

115 (1) ...

(a) ensure the health and safety of

(i) all workers working for that employer, and

(ii) any other workers present at a workplace at which that employer's work is being carried out, and

(b) comply with this Part, the regulations and any applicable orders.

[s. 115(1) of the Act]

In addition, the Act requires owners of workplaces to,

119. ...

(a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,

(b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and

(c) comply with this Part, the regulations and any applicable orders.

### **(c) Nova Scotia**

The *Occupational Health and Safety Act*, SNS 1996, c 7, sets out the scheme for health and safety in the workplace in Nova Scotia.

The Act requires workplaces to have joint occupational health and safety committees for workplaces of over 20 people (section 29(1)). The committees identify health and safety hazards (section 31(a) of the Act), audit compliance with health and safety requirements (section 31(b) of the Act), receive, investigate and dispose of health and safety complaints (section 31(c) of the Act), and take part in investigations and inspections (section 31(d) of the Act), among other responsibilities.

A committee or a representative may make recommendations to the employer and request a response in writing (section 34(1)). If a written response is requested, the employer must respond within 21 days or, within that period, provide a reasonable explanation for any delay in responding and indicate when a response will be forthcoming (section 34(1)). In addition,

34 ...

(2) Where the committee or representative makes a request [for a written response] pursuant to subsection (1) and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, the chair or co-chairs of the committee, or representative, as the case may be, shall promptly report this fact to an officer.

Employees may refuse to work if they have reasonable grounds to believe that the task in question is likely to endanger their health or safety or the health or safety of another person (section 43(1)). There are no exemptions in the Act for certain types of workers, meaning any worker, whether a firefighter or a police officer, may refuse to work in those circumstances.

Occupational health and safety officers may be appointed under the Act to enforce it and to carry out inspections (sections 11 and 12). Officers may inspect a workplace at any reasonable time (section 47(a)). Officers may issue orders upon inspection. In some cases, a stop work order may be issued:

#### **Orders and consequences of orders**

55 (1) An officer may give an order orally or in writing to a person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations, and may require that the order be carried out within such time as the officer specifies.

(2) Where an officer makes an oral order pursuant to subsection (1), the officer shall confirm the oral order in writing.

(3) For greater certainty, an oral order is effective pursuant to this Act before it is confirmed in writing.

(4) Where an officer makes an order pursuant to subsection (1) and finds that the matter or thing referred to therein is a source of danger or a hazard to the health or safety of a person at the workplace, the officer may order that

(a) any place, device, equipment, machine, material or thing not be used until the order is complied with;

(b) work at the workplace or any part of the workplace stop until the order to stop work is withdrawn or cancelled by an officer;

(c) the workplace or any part of the workplace be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access thereto until the danger or hazard is removed.

(5) Where an order is made pursuant to clause (4)(c), no employer or supervisor shall require or permit an employee to enter the workplace or part of the workplace that is the subject of the order except for the purpose of doing work that is necessary or required to remove the danger or the hazard and only where the employee is protected from the danger or the hazard.

(6) Where an officer issues an order pursuant to this Section, the officer may affix to the workplace or to any device, equipment, machine, material or thing a copy or notice of the order and no person except an officer shall remove the copy or notice unless authorized to do so by an officer.

A person contravening an order under section 55(4) may be placed under arrest:

73 (1) A police officer who has reasonable and probable grounds to believe that a person is failing to comply with an order issued pursuant to subsection 55(4) may arrest the person without warrant and shall take the person before a justice as soon as practicable.

Employers are required to notice the Director of Occupational Health and Safety whenever there is (a) a fire or accident at the workplace which causes serious injury to an employee; (b) an accidental explosion at the workplace, whether anyone is injured or not; and (c) a death in the workplace or an injury likely to prove fatal (section 63(1) of the Act).

Generally, employers are required to take every precaution that is reasonable in the circumstances to ensure the health and safety of persons at or near the workplace (section 13(1)(a) of the Act).

Also, the owner of a workplace must take every precaution reasonable in the circumstances to provide and maintain the owner's land or premises used as a workplace in a manner that ensures the health and safety of persons at or near the workplace, and in compliance with the Act and the regulations (section 19(1)(a) of the Act).

There are no specific provisions in the regulations dealing with the structural stability of a roof or any other component of a building.

#### **(d) Alberta**

In Alberta, workplaces are subject to the *Occupational Health and Safety Act*, RSA 2000, c O-2.

The Act does not mandate a joint health and safety committee for all workplaces of a certain size but states that the Minister may require that a workplace establish a "joint work site health and safety committee" (section 31 of the Act). The section briefly describes a joint work site health and safety committee's functions.

Section 35(1) of the Act requires workers to refuse work if “on reasonable and probable grounds, the worker believes that there exists an imminent danger to the health or safety of that worker” or another worker. Although there are no specific exemptions from the right to refuse work, “imminent danger” is defined in section 35(2) as

- (a) a danger that is not normal for that occupation, or
- (b) a danger under which a person engaged in that occupation would not normally carry out the person’s work.

This definition would seem to exclude the inherent dangers faced by police officers and firefighters when engaged in their duties to the public.

If there is a disagreement between the employer and employee as to whether a dangerous situation exists, an occupational health and safety officer, appointed under section 5 of the Act, may become involved and undertake an investigation (sections 35(7) and 35(8) of the Act).

Occupational health and safety officers may enter into, or on, any work site and inspect that work site at any reasonable hour (section 8(1) of the Act).

Under section 9(1) of the Act, if an officer is of the opinion that “work is being carried out in a manner that is unhealthy or unsafe to the workers engaged in the work or present where the work is being carried out”, an officer may order,

- (a) to stop the work that is specified in the order, and
  - (b) to take measures as specified in the order that are, in the opinion of the officer, necessary to ensure that the work will be carried out in a healthy and safe manner,
- or either of them, within the time limits specified in the order.

Similar provisions exist with respect to dangerous conditions (section 10(1) of the Act), unsafe tools (section 11(1) of the Act) and improper handling or storage of substances (section 12(1) of the Act).

Under section 18(2) of the Act, any of the following situations must be reported to a Director of Inspection, designated as such under the Act:

- (a) an injury or accident that results in death,
- (b) an injury or accident that results in a worker’s being admitted to a hospital for more than 2 days,

- (c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,
- (d) the collapse or upset of a crane, derrick or hoist, or
- (e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

There are no provisions requiring regular inspections of workplaces by officers or Directors of Inspection; however, section 25 of the Act provides that a Director of Inspection may issue a written order requiring an employer to conduct regular inspections of its place of work and proscribing the manner in which the inspections must take place.

The general obligations of employers are found in section 2(1) of the Act:

**Obligations of employers, workers, etc.**

2(1) Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

- (a) the health and safety of
  - (i) workers engaged in the work of that employer, and
  - (ii) those workers not engaged in the work of that employer but present at the work site at which that work is being carried out, and
- (b) that the workers engaged in the work of that employer are aware of their responsibilities and duties under this Act, the regulations and the adopted code.

The regulations under the Act do not include specific requirements for employers, nor do they include standards in the workplace that must be met, with the exception of some specific places of work, such as mines.

## **R. Used Vehicles**

### **(a) Ontario**

Used vehicles in Ontario are subject to section 11.1 of the *Highway Traffic Act*, RSO 1990, c H.8:

**Used vehicle information package**

11.1 (1) Every person who sells, offers for sale or transfers a used motor vehicle shall provide a valid used vehicle information package in respect of the vehicle for inspection by proposed purchasers or transferees and shall deliver the package to the purchaser or transferee at the time of sale or transfer of the vehicle.

#### **Issuance of package**

(2) The Ministry shall issue a used vehicle information package in respect of any used motor vehicle to any person who applies therefor and pays the prescribed fee.

#### **Permit for vehicle**

(3) The purchaser or transferee of the used motor vehicle shall deliver the used vehicle information package mentioned in subsection (1) to the Ministry before obtaining from the Ministry a new permit for the vehicle.

#### **Regulations**

(4) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) defining “used motor vehicle” and “used vehicle information package”;
- (b) prescribing the period of time during which a used vehicle information package is valid after it is issued;
- (c) prescribing and providing for the payment of fees for the issuance of used vehicle information packages;
- (d) exempting any class of sellers or transferors from the application of subsection (1) or any class of purchasers or transferees from the application of subsection (3).

#### **Offence**

(5) Every person who fails to comply with subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 on a first conviction and not less than \$200 and not more than \$1,000 on each subsequent conviction.

*Used Vehicle Information Package*, O Reg 601/93, defines “used vehicle”, “used vehicle information package” and exempts certain types of transactions from having to obtain one.

1. In this Regulation,

“used motor vehicle” means,

(a) any motor vehicle having a registered empty vehicle weight of 2,200 kilograms or less as recorded on the vehicle’s most recent permit, which permit must have been issued under section 7 of the Act, except a bus or motor-assisted bicycle or an off-road vehicle as defined in the *Off-Road Vehicles Act*,

(b) a motorized mobile home, regardless of its gross weight, the most recent permit for which has been issued under section 7 of the Act;

“used vehicle information package” means an information package issued by the Ministry of Consumer and Commercial Relations or the Ministry of Transportation containing information on registrations relating to a used motor vehicle made under the *Personal Property Security Act* and the *Repair and Storage Liens Act* and the Ontario registration history of the vehicle.

Certain classes of sellers and transfers are exempt from providing used vehicle information packages under section 11.1 of the Act. These include transfers to family members for no consideration (section 2.5 of the regulation), transfers to or from certain motor vehicle dealers (section 2.10 of the regulation) and transfers to religious or charitable organizations for no consideration (section 2.13 of the regulation).

According to the Service Ontario website, a used vehicle information package includes the following information:

A used vehicle information package (UVIP) contains:

- the vehicle details (including the year, make, model, colour, body type, cylinders and power)
- a vehicle registration history in Ontario (including all present and previous owners, their city of residence and odometer reading)
- vehicle lien information
- the fair market value on which the minimum tax payable will apply
- retail sales tax information
- bills of sale section

(<http://www.ontario.ca/driving-and-roads/used-vehicle-information-package>)

In addition, under section 2(1)(a) of the *Vehicle Permits*, RRO 1990, Reg 628, a used vehicle can only receive a permit if the applicant submits a safety standards certificate issued upon an inspection of the vehicle that was completed within the preceding 36 days.

The content of an inspection carried out in order to issue a safety standards certificate is set out in *Safety Inspections*, RRO 1990, Reg 611.

According to Service Ontario, a safety standards certificate is required to sell a used car in Ontario (with some exceptions). The website states,

A safety standards certificate is issued by a government-approved Motor Vehicle Inspection Station after a vehicle passes an inspection. The inspection covers the minimum safety requirements for vehicles in Ontario.

...

You need this certificate when you:

- register a rebuilt motor vehicle
- transfer a used motor vehicle to a new owner as fit
- register a motor vehicle in Ontario that was previously registered in another province or country
- change the status of a vehicle from unfit to fit.

Vehicles are considered unfit when they do not meet the minimum basic safety standards to drive on Ontario roads.

(<http://www.ontario.ca/driving-and-roads/whats-safety-standards-certificate>)

## **S. Appendix**

# **Ontario Municipalities Property Standards By-Law Coverage**

# ONTARIO MUNICIPALITIES

## Property Standards By-Law Coverage Breakdown\*

Tab #	By-Law Coverage Type	#	%
1	No Property Standards By-Law	99	23.9%
2	Partial Property Standards By-Law - Exterior of Building (Only)	42	10.1%
3	Partial Property Standards By-Law - Geographic	5	1.2%
4	Partial Property Standards By-Law - Exterior of Buildings & Geographic	3	0.7%
5	Complete By-Law Coverage	265	64.0%
<b>**Total Municipalities:</b>		414	100.0%

### Notes:

- \* The ministry maintains municipal property standards information on a best effort basis. Data was gathered from a 2007 municipal survey, periodic checking with municipalities and review of municipal websites. By-Laws are subject to change which may cause some data to be out of date.
- \*\* Property standards by-laws are enacted and enforced by lower and single tier municipalities in Ontario. Therefore upper tier municipalities (i.e. county and regional municipalities) are not included in the above tabulations.

## Regional Information

MSO	This column in the attached pages indicates the region in which municipalities are located.
W	Regions are defined using the administrative boundaries of the Ministry's Municipal Services
C	Offices (MSO). The MSO administrative regions are as follows: W = West, C= Central, E = East,
E	NE = North East, and NW = North West.
NE	
NW	

**ONTARIO  
MUNICIPALITIES**

**No Property Standards By-Law**

The municipalities below have no property standards by-law. It should be noted that some of these may have variations of "clean yard by-laws" but these typically deal only with yard cleanliness and yard safety (i.e. not building issues).

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
1	Addington Highlands Tp	1,945	E
2	Adjala-Tosorontio Tp	10,603	C
3	Algonquin Highlands Tp	1,878	E
4	Amaranth Tp	3,546	C
5	Armstrong Tp	1,216	NE
6	Assignack Tp	960	NE
7	Athens Tp	2,809	E
8	Beckwith Tp	6,395	E
9	Brethour Tp	129	NE
10	Brudenell, Lyndoch and Raglan Tp	1,441	E
11	Burpee and Mills Tp	308	NE
12	Calvin Tp	568	NE
13	Carling Tp	1,056	NE
14	Casey Tp	370	NE
15	Casselman V	3,205	E
16	Central Frontenac Tp	3,953	E
17	Chamberlain Tp	297	NE
18	Chapple Tp	741	NW
19	Charlton-Dack M	671	NE
20	Chatsworth Tp	6,444	W
21	Clearview Tp	13,734	C
22	Cockburn Island Tp	2	NE
23	Conmee Tp	659	NW
24	Dawson Tp	475	NW
25	Drummond-North Elmsley Tp	7,542	E
26	Dubreuilville Tp	635	NE
27	East Garafraxa Tp	2,297	C
28	Edwardsburgh-Cardinal Tp	6,959	E
29	Elizabethtown-Kitley Tp	9,724	E
30	Enniskillen Tp	2,930	W
31	Evanturel Tp	452	NE
32	Front of Yonge Tp	2,752	E
33	Frontenac Islands Tp	1,733	E
34	Gauthier Tp	133	NE
35	Gillies Tp	473	NW
36	Gordon-Barrie Island M	526	NE
37	Greater Madawaska Tp	2,475	E
38	Greenstone M	4,803	NW

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
39	Harley Tp	540	NE
40	Harris Tp	523	NE
41	Havelock-Belmont-Methuen Tp	4,523	E
42	Head, Clara and Maria Tp	213	E
43	Highlands East M	3,249	E
44	Hilliard Tp	200	NE
45	Hilton Beach V	166	NE
46	Hilton Tp	258	NE
47	Hornepayne Tp	1,050	NE
48	Hudson Tp	475	NE
49	Huron Shores M	1,723	NE
50	Jocelyn Tp	237	NE
51	Johnson Tp	588	NE
52	Joly Tp	284	NE
53	Kerns Tp	360	NE
54	Killarney M	399	NE
55	La Vallee Tp	943	NW
56	Lake of Bays Tp	3,284	C
57	Lake of The Woods Tp	238	NW
58	Lanark Highlands Tp	5,128	E
59	Larder Lake Tp	684	NE
60	Latchford T	446	NE
61	Limerick Tp	352	E
62	Lucan Biddulph Tp	4,388	W
63	Machin Tp	978	NW
64	Madawaska Valley Tp	4,186	E
65	Manitouwadge Tp	1,914	NW
66	Markstay-Warren M	2,645	NE
67	Mattawan Tp	162	NE
68	McKellar Tp	930	NE
69	McMurrich-Monteith Tp	642	NE
70	Moonbeam Tp	1,063	NE
71	Moosonee T	3,000	NE
72	Morley Tp	474	NW
73	Neebing M	1,986	NW
74	Nipissing Tp	1,705	NE
75	North Algona-Wilberforce Tp	2,653	E
76	North Frontenac Tp	1,842	E
77	O'Connor Tp	685	NW
78	Opasatika Tp	225	NE
79	Oro-Medonte Tp	20,079	C
80	Plummer Additional Tp	650	NE
81	Ryerson Tp	591	NE

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
82	Seguin Tp	4,276	NE
83	Sioux Narrows-Nestor Falls Tp	720	NW
84	South Algonquin Tp	1,211	NE
85	South Frontenac Tp	18,100	E
86	Springwater Tp	18,223	C
87	St.-Charles M	1,199	NE
88	Stirling-Rawdon Tp	4,906	E
89	Stone Mills Tp	6,775	E
90	Tarbutt and Tarbutt Additional Tp	430	NE
91	Tay Valley Tp	5,571	E
92	Terrace Bay Tp	1,391	NW
93	The Archipelago Tp	585	NE
94	Thornloe V	110	NE
95	Tiny Tp	11,232	C
96	Tudor and Cashel Tp	586	E
97	Val Rita-Harty Tp	797	NE
98	Westport V	594	E
99	Whitestone M	1,030	NE

**ONTARIO  
MUNICIPALITIES**

**Partial Property Standards By-Law - Exterior of Building**

The municipalities below have a partial property standards by-law which covers the exterior of a buildings and include features such as roofs, windows, doors, porches, exterior lighting and upkeep of yards.

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
1	Admaston-Bromley Tp	2,640	E
2	Alberton Tp	864	NW
3	Billings Tp	509	NE
4	Centre Wellington Tp	26,693	W
5	Cobalt T	1,133	NE
6	Coleman Tp	431	NE
7	Deep River T	4,086	E
8	Dorion Tp	340	NW
9	Emo Tp	1,085	NW
10	Englehart T	1,519	NE
11	Gore Bay T	850	NE
12	Grey Highlands M	9,520	W
13	Huron-Kinloss Tp	6,790	W
14	Ignace Tp	1,202	NW
15	Kearney T	841	NE
16	Killaloe, Hagarty and Richards Tp	2,229	E
17	Macdonald Meredith et al Tp	1,464	NE
18	Machar Tp	838	NE
19	Malahide Tp	8,828	W
20	Mapleton Tp	10,834	W
21	Markham T	323,804	C
22	Mattice - Val Cote Tp	711	NE
23	McDougall Tp	2,405	NE
24	Melancthon Tp	2,347	C
25	Mono T	8,204	C
26	Mulmur Tp	3,090	C
27	Nairn and Hyman Tp	410	NE
28	Papineau-Cameron Tp	978	NE
29	Prince Edward County C	25,258	E
30	Prince Tp	1,031	NE
31	Ramara Tp	8,197	C
32	Rideau Lakes Tp	9,291	E
33	Sables-Spanish Rivers Tp	3,075	NE
34	Shuniah M	2,737	NW
35	Southwold Tp	4,494	W

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
36	St. Joseph Tp	1,183	NE
37	St. Marys ST	6,617	W
38	Tehkummah Tp	406	NE
39	Tyendinaga Tp	4,150	E
40	Wellington North Tp	11,477	W
41	White River Tp	841	NE
42	Zorra Tp	7,238	W

**ONTARIO  
MUNICIPALITIES**

**Partial Property Standards By-Law - Geographic**

The municipalities below have partial property standards by-laws which cover specific geographic areas within each municipality. Typically "urbanized" areas in these municipalities are covered.

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
1	Bradford-West Gwillimbury T	24,936	C
2	Brockton M	8,948	W
3	Central Elgin M	12,015	W
4	Dutton-Dunwich M	3,526	W
5	South Dundas Tp	10,794	E

**ONTARIO  
MUNICIPALITIES**

**Partial Property Standards By-Law - Exterior Only and Geographic**

The municipalities below have a partial property standards by-law which covers the exterior features of buildings, only within certain geographic areas.

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
1	McGarry Tp	595	NE
2	Southgate Tp	7,190	W
3	The Blue Mountains T	6,453	W

**ONTARIO  
MUNICIPALITIES**

**Complete By-Law Coverage**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
1	Adelaide-Metcalf Tp	3,028	W
2	Ajax T	117,120	C
3	Alfred and Plantagenet Tp	7,981	E
4	Alnwick-Haldimand Tp	6,617	E
5	Amherstburg T	21,556	W
6	Armour Tp	1,241	NE
7	Arnprior T	8,114	E
8	Arran-Elderslie M	6,747	W
9	Ashfield-Colborne-Wawanosh Tp	4,881	W
10	Asphodel-Norwood Tp	3,622	E
11	Atikokan Tp	2,814	NW
12	Augusta Tp	7,430	E
13	Aurora T	53,203	C
14	Aylmer T	7,151	W
15	Baldwin Tp	542	NE
16	Bancroft T	3,880	E
17	Barrie C	143,000	C
18	Bayham M	6,989	W
19	Belleville C	49,454	E
20	Black River - Matheson Tp	2,383	NE
21	Blandford - Blenheim Tp	6,736	W
22	Blind River T	3,549	NE
23	Bluewater M	7,044	W
24	Bonfield Tp	2,016	NE
25	Bonnechere Valley Tp	2,963	E
26	Bracebridge T	15,652	C
27	Brampton C	540,145	C
28	Brant County	30,940	W
29	Brantford C	94,586	W
30	Brighton M	10,928	E
31	Brock Tp	11,345	C
32	Brockville C	19,204	E
33	Brooke-Alvinston M	2,397	W
34	Bruce Mines T	566	NE
35	Burk's Falls V	967	NE
36	Burlington C	174,096	C
37	Caledon T	64,560	C
38	Callander M	3,864	NE
39	Cambridge C	132,900	W
40	Carleton Place T	9,921	E

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
41	Carlow-Mayo Tp	806	E
42	Cavan Monaghan Tp	8,601	E
43	Central Huron M	7,591	W
44	Central Manitoulin Tp	1,958	NE
45	Centre Hastings M	4,543	E
46	Champlain Tp	7,691	E
47	Chapleau Tp	2,096	NE
48	Chatham-Kent M	104,075	W
49	Chisholm Tp	1,208	NE
50	Clarence-Rockland C	25,000	E
51	Clarington M	88,661	C
52	Cobourg T	18,519	E
53	Cochrane T	4,722	NE
54	Collingwood T	19,241	C
55	Cornwall C	46,340	E
56	Cramahe Tp	5,320	E
57	Dawn-Euphemia Tp	1,907	W
58	Deseronto T	1,835	E
59	Douro-Dummer Tp	6,805	E
60	Dryden C	7,617	NW
61	Dysart et al Tp	5,966	E
62	Ear Falls Tp	1,026	NW
63	East Ferris Tp	4,766	NE
64	East Gwillimbury T	21,069	C
65	East Hawkesbury Tp	3,289	E
66	East Luther Grand Valley Tp	2,726	C
67	East Zorra - Tavistock Tp	6,244	W
68	Elliot Lake C	10,481	NE
69	Erin T	12,233	W
70	Espanola T	5,364	NE
71	Essa Tp	18,505	C
72	Essex T	17,172	W
73	Faraday Tp	1,468	E
74	Fauquier-Strickland Tp	621	NE
75	Fort Erie T	29,960	C
76	Fort Frances T	7,952	NW
77	French River M	2,442	NE
78	Trent Lakes M	5,105	E
79	Gananoque ST	5,194	E
80	Georgian Bay Tp	2,101	C
81	Georgian Bluffs TP	10,506	W
82	Georgina T	50,184	C
83	Goderich T	6,850	W

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
84	Gravenhurst T	11,640	C
85	Greater Napanee T	15,511	E
86	Greater Sudbury C	161,900	NE
87	Grimsby T	25,325	C
88	Guelph C	121,688	W
89	Guelph-Eramosa Tp	13,540	W
90	Haldimand County	45,212	W
91	Halton Hills T	59,582	C
92	Hamilton C	535,234	C
93	Hamilton Tp	10,702	E
94	Hanover T	7,490	W
95	Hastings Highlands M	4,168	E
96	Hawkesbury T	10,551	E
97	Hearst T	5,090	NE
98	Horton Tp	2,536	E
99	Howick Tp	3,500	W
100	Huntsville T	19,056	C
101	Huron East M	9,264	W
102	Ingersoll T	12,146	W
103	Innisfil T	33,504	C
104	Iroquois Falls T	4,127	NE
105	James Tp	414	NE
106	Kapuskasung T	7,356	NE
107	Kawartha Lakes C	73,214	E
108	Kenora C	15,348	NW
109	Kincardine M	11,170	W
110	King Tp	19,900	C
111	Kingston C	124,645	E
112	Kingsville T	21,362	W
113	Kirkland Lake T	8,493	NE
114	Kitchener C	234,100	W
115	Laird Tp	986	NE
116	Lakeshore T	35,499	W
117	Lambton Shores M	10,656	W
118	LaSalle T	29,500	W
119	Laurentian Hills T	2,811	E
120	Laurentian Valley Tp	8,251	E
121	Leamington M	28,403	W
122	Leeds and the Thousand Islands Tp	9,277	E
123	Lincoln T	20,228	C
124	London C	369,940	W
125	Loyalist Tp	16,221	E
126	Madoc Tp	2,197	E

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
127	Magnetawan M	1,454	NE
128	Marathon T	3,353	NW
129	Marmora and Lake M	4,074	E
130	Matachewan Tp	1,128	NE
131	Mattawa T	2,114	NE
132	McNab-Braeside Tp	7,371	E
133	Meaford M	11,100	W
134	Merrickville-Wolford V	2,812	E
135	Middlesex Centre M	14,930	W
136	Midland T	16,295	C
137	Milton T	92,200	C
138	Minden Hills Tp	5,655	E
139	Minto T	9,262	W
140	Mississauga C	743,000	C
141	Mississippi Mills T	12,385	E
142	Montague Tp	3,483	E
143	Morris-Turnberry M	3,379	W
144	Muskoka Lakes Tp	5,596	C
145	New Tecumseth T	31,787	C
146	Newbury V	447	W
147	Newmarket T	85,008	C
148	Niagara Falls C	82,997	C
149	Niagara-on-the-Lake T	15,400	C
150	Nipigon Tp	1,631	NW
151	Norfolk County	63,000	W
152	North Bay C	53,651	NE
153	North Dumfries Tp	9,650	W
154	North Dundas Tp	11,438	E
155	North Glengarry Tp	9,573	E
156	North Grenville M	15,085	E
157	North Huron Tp	4,884	W
158	North Kawartha Tp	2,103	E
159	North Middlesex M	6,173	W
160	North Perth T	12,631	W
161	North Stormont Tp	5,934	E
162	Northeastern Manitoulin & The Isl. T	2,706	NE
163	Northern Bruce Peninsula M	3,614	W
164	Norwich Tp	10,721	W
165	Oakville T	184,061	C
166	Oil Springs V	646	W
167	Oliver Paipoonge M	5,732	NW
168	Orangeville T	27,975	C
169	Orillia C	30,659	C

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
170	Oshawa C	152,513	C
171	Otonabee-South Monaghan Tp	6,660	E
172	Ottawa C	935,073	E
173	Owen Sound C	21,688	W
174	Parry Sound T	6,191	NE
175	Pelee Tp	275	W
176	Pelham T	15,964	C
177	Pembroke C	11,266	E
178	Penetanguishene T	9,111	C
179	Perry Tp	2,317	NE
180	Perth East Tp	10,157	W
181	Perth South Tp	3,888	W
182	Perth T	5,840	E
183	Petawawa T	15,935	E
184	Peterborough C	78,700	E
185	Petrolia T	5,528	W
186	Pickering C	94,022	C
187	Pickle Lake Tp	428	NW
188	Plympton-Wyoming T	7,459	W
189	Point Edward V	1,964	W
190	Port Colborne C	18,003	C
191	Port Hope M	16,215	E
192	Powassan M	3,378	NE
193	Prescott ST	4,284	E
194	Puslinch Tp	6,282	W
195	Quinte West C	43,086	E
196	Rainy River T	842	NW
197	Red Lake M	4,728	NW
198	Red Rock Tp	942	NW
199	Renfrew T	8,218	E
200	Richmond Hill T	191,623	C
201	Russell Tp	15,247	E
202	Sarnia C	72,366	W
203	Saugeen Shores T	12,661	W
204	Sault Ste. Marie C	75,683	NE
205	Schreiber Tp	1,126	NW
206	Scugog Tp	21,569	C
207	Severn Tp	11,251	C
208	Shelburne T	5,834	C
209	Sioux Lookout M	5,336	NW
210	Selwyn Tp	16,845	E
211	Smiths Falls ST	8,978	E
212	Smooth Rock Falls T	1,473	NE

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
213	South Bruce M	5,685	W
214	South Glengarry Tp	12,062	E
215	South Huron M	9,945	W
216	South River V	1,049	NE
217	South Stormont Tp	12,615	E
218	Southwest Middlesex M	5,860	W
219	South-West Oxford Tp	7,544	W
220	Spanish T	696	NE
221	St. Catharines C	131,400	C
222	St. Clair Tp	14,515	W
223	St. Thomas C	37,905	W
224	Stratford C	30,886	W
225	Strathroy-Caradoc Tp	19,980	W
226	Strong Tp	1,251	NE
227	Sundridge V	857	NE
228	Tay Tp	9,339	C
229	Tecumseh T	23,610	W
230	Temagami M	797	NE
231	Temiskaming Shores C	10,442	NE
232	Thames Centre M	12,451	W
233	The Nation M	11,668	E
234	The North Shore Tp	509	NE
235	The South Bruce Peninsula T	8,413	W
236	Thessalon T	1,299	NE
237	Thorold C	17,931	C
238	Thunder Bay C	108,359	NW
239	Tillsonburg T	15,301	W
240	Timmins C	43,165	NE
241	Toronto C	2,791,140	C
242	Trent Hills M	12,603	E
243	Tweed M	5,100	E
244	Uxbridge Tp	20,623	C
245	Vaughan C	304,639	C
246	Wainfleet Tp	6,026	C
247	Warwick Tp	3,833	W
248	Wasaga Beach T	17,537	C
249	Waterloo C	129,100	W
250	Wawa M	2,975	NE
251	Welland C	50,631	C
252	Wellesley Tp	10,570	W
253	West Elgin M	5,223	W
254	West Grey M	12,286	W
255	West Lincoln Tp	13,837	C

**ONTARIO  
MUNICIPALITIES**

<b>Record</b>	<b>Municipality Name</b>	<b>Population</b>	<b>MSO Region</b>
256	West Nipissing M	14,149	NE
257	West Perth M	8,919	W
258	Whitby T	130,145	C
259	Whitchurch - Stouffville T	41,000	C
260	Whitewater Region Tp	5,830	E
261	Wilmot Tp	20,286	W
262	Windsor C	210,891	W
263	Wollaston Tp	708	E
264	Woodstock C	32,216	W
265	Woolwich Tp	23,145	W