

Chapter 629

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[HISTORY: Adopted by the Council of the City of Toronto 2000-10-05 by By-law No. 930-2000.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and demolition — See Ch. 363.
Carbon monoxide detectors — See Ch. 387.
Fences — See Ch. 447.
Grass and weeds — See Ch. 489.
Heating — See Ch. 497.
Use of pesticides — See Ch. 612.

Property maintenance — See Ch. 629.
Abandoned refrigerators and other appliances — See Ch. 659.
Signs — See Ch. 693.
Discontinuance of vital services — See Ch. 835.

ARTICLE I
Definitions; Application

§ 629-1. Definitions.

A. As used in this chapter, the following terms have the meanings indicated:

ACCESSORY BUILDING — A subordinate building or structure that is devoted exclusively to the use naturally and normally incidental to the main use of the property and is located in a yard appurtenant to the main building.

¹ Editor's Note: This by-law was passed under the authority of subsections 15.1(3) and 15.1(6) of the *Building Code Act, 1992*, S.O. 1992, c. 23. This By-law No. 930-2000 comes into effect 2001-01-01. Section 45, Repeal of by-laws, of this by-law provided that, except for the purposes set out in §§ 629-3 and 629-43, the following are repealed: former Borough of East York By-law No. 39-90, "To provide standards for the maintenance and occupancy of property in the Borough of East York," as amended; former City of Etobicoke Municipal Code Chapter 198, Property Maintenance and Minimum Standards; former City of North York "Property Standards By-law No. 31148," as amended; former City of Scarborough By-law No. 20483, "being a by-law prescribing standards for the maintenance and occupancy of property," as amended; former City of Toronto Municipal Code Chapter 210, Housing Standards, and Article II, Non-Residential Standards, and Article IV, Vacant Land, of Chapter 264, Property Maintenance; former City of York By-law No. 3180-95, "To provide basic and uniform standards governing the condition and maintenance of properties in the City of York, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof," as amended and as codified in Former City of York Municipal Code Property Maintenance Chapter 824, PROPERTY MAINTENANCE. In addition, By-law No. 559-2004, adopted 2004-06-24, which amended this chapter, also repealed Ch. 151, Buildings, Vacant, of the former City of Toronto Municipal Code.

BASEMENT — A storey of a dwelling which is below ground level, and includes a cellar.

DWELLING — A building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

GROUND COVER — Any suitable material applied to the ground to prevent erosion of the soil and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

HABITABLE ROOM — A room in a dwelling designed, lawfully used or capable of being lawfully used for living, sleeping, cooking or eating purposes.

MIXED-USE BUILDING — A building lawfully used in part for residential purposes and in part for non-residential purposes.

MULTIPLE-DWELLING — A building or part of a building containing three or more dwelling units.

NON-HABITABLE FLOOR AREA:

- (1) A room in a building or a dwelling unit other than a habitable room, and includes:
 - (a) A bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet or boiler room.
 - (b) Any part of a room having a clear ceiling height of less than 1.4 metres.
- (2) Other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

NON-RESIDENTIAL PROPERTY — Land, a building or structure used or capable of being used for other than residential purposes.

OCCUPANT, OWNER, PROPERTY and REPAIR — The same meanings as in subsection 15.1(1) of the *Building Code Act, 1992*.² These meanings are noted as follows, for reference purposes only, and are subject to Subsection C:

- (1) **OCCUPANT** — Any person or persons over the age of 18 years in possession of the property.
- (2) **OWNER** — Includes:
 - (a) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the

² Editor's Note: See S.O. 1992, c. 23.

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person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and

- (b) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- (3) **PROPERTY** — A building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (4) **REPAIR** — Includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

RESIDENTIAL PROPERTY — Land, a building or structure used, capable of being of being used, designed or intended for residential use.

SEWAGE SYSTEM — The City sanitary sewer system or a private sewage disposal system approved by the City.

STANDARDS — The standards for the maintenance and occupancy prescribed for property in this chapter.

VEHICLE — Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

YARD — The part of the lot unoccupied by the main building and includes vacant land.

- B. A term not defined in Subsection A shall have the same meaning as the term in the *Building Code Act, 1992*³ or in the Building Code.
- C. In this chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

§ 629-2. Application.

This chapter applies to all property in the City of Toronto.

³ Editor's Note: See S.O. 1992, c. 23.

ARTICLE II
Property Standards Committee
[Amended 2001-12-06 by By-law No. 1068-2001⁴]

§ 629-3. Property Standards Committee; appeals; fees.

- A. A Property Standards Committee is established that consists of four Committee Hearing Panels.
- B. Each Committee Hearing Panel shall hear appeals of orders made under subsection 15.2(2) of the *Building Code Act, 1992*⁵ respecting property in the geographic area of one of the service delivery districts of the Department of Urban Development Services.
- C. If an order applies to a property that is located in the geographic area of more than one service delivery district, the appeal may be heard by any committee hearing panel responsible for one of the geographic areas in which the property is located.
- D. Fees.

Despite § 629-43 and any other by-law of a former municipality, a person appealing an order to the Property Standards Committee shall pay a fee of \$200, payable in advance, for the processing of the appeal.

§ 629-3.1. Members.

- A. The Property Standards Committee shall be composed of 16 members with four members assigned to each Committee Hearing Panel from time to time under the Property Standards Committee's rules of procedure.
- B. The members shall be appointed for a term not exceeding the term of the Council that appointed them.
- C. Despite Subsection B, the members continue to hold office until their successors are appointed.
- D. Members shall be at least 18 years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the City.
- E. Members shall not act as agents for any person on their appeal of an order to the Property Standards Committee.

⁴ Editor's Note: This by-law came into force 2002-01-01.

⁵ Editor's Note: See S.O. 1992, c. 23.

ARTICLE III
General Duties and Obligations

§ 629-4. Compliance required.

- A. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.
- B. No basement or any portion of a basement shall be used or permitted to be used as a habitable room or dwelling unit unless each habitable room complies with all requirements for egress, light, ventilation and ceiling height set out in this chapter.

§ 629-5. Owner's duties.

The owner of property shall:

- A. Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe condition; and
- B. Ensure that every supplied facility, piece of equipment or appliance in or on the property is constructed, installed and maintained so that it will function safely and effectively, and is kept in a satisfactory working condition.

§ 629-5.1. Emergency contact sign.

[Added 2004-06-24 by By-law No. 559-2004]

- A. The owner of a multiple-dwelling shall cause a sign to be posted and maintained in a prominent place in the front lobby or entrance of the building.
- B. The sign shall indicate, in lettering not less than 12.7 millimetres in height, the current name, address and telephone number of the owner, manager or other person responsible for the property and the name and telephone number of the authorized person to contact in the case of an emergency on a twenty-four-hour basis.
- C. The telephone numbers listed on the sign shall be numbers that do not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number.
- D. If there is a change in the information displayed on the sign, the sign shall be revised to reflect the change within one week of the change.

§ 629-6. Occupant's duties.

Every person who occupies property shall:

- A. Maintain the property in a clean and sanitary condition;

- B. Maintain all plumbing, cooking, refrigerating appliances and fixtures, and all storage facilities and other equipment in or on the property in a clean and sanitary condition;
- C. Maintain every washroom, sanitary convenience room and every fixture in them in a clean and sanitary condition;
- D. Keep all exits from the property clear and unobstructed;
- E. Co-operate with the landlord in complying with the requirements of this chapter;
- F. Limit the number of occupants to the maximum number permitted by this chapter; and
- G. Take immediate action to eliminate any unsafe condition.

§ 629-7. Manner of making repairs.

- A. All repairs shall be made in a good workmanlike manner with materials that are suitable and sufficient for the purpose and free from defects.
- B. Without restricting the generality of Subsection A:
 - (1) The requirement that repairs be made in a “good workmanlike manner” includes:
 - (a) Ensuring that the component repaired can perform its intended function.
 - (b) Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
 - (2) The requirement that repairs be made with “materials that are suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

§ 629-8. Higher standard.

If there is a conflict between a provision in this chapter and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

**ARTICLE IV
Standards**

§ 629-9. Pest control.

All properties shall at all times be kept free of rodents, vermin, insects and other pests and from conditions which may encourage infestation by pests.

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§ 629-10. Maintenance of yards and property.

- A. Nothing in this section shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.
- B. All yards and any other part of a property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- C. All yards and any other part of a property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- D. No mechanical equipment, vehicle, trailer or boat or a remnant or any part of them, or that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard, unless it is lawfully permitted to use the yard for this purpose.
- E. Firewood storage.
 - (1) Firewood for domestic use may be stored in a rear yard if the area used for this storage is not more than 15% of the area of the rear yard.
 - (2) The stored firewood shall be:
 - (a) Neatly piled not less than 300 millimetres from any lot line;
 - (b) Stored at a height of not less than 150 millimetres above grade; and
 - (c) Stored with a total height of not more than 1.5 metres.

§ 629-11. Landscaping, drainage and grading.

- A. All yards shall be graded and have suitable ground cover to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all buildings. **[Amended 2004-06-24 by By-law No. 559-2004]**
- A.1. Despite Subsection A, the front yard of a residential property, other than a multiple-dwelling or a mixed-use building, shall be maintained as follows: **[Added 2004-06-24 by By-law No. 559-2004]**
 - (1) Graded so as to prevent recurrent ponding of water and direct the surface water away from the building.
 - (2) Not used or maintained for parking purposes, except for the areas required or permitted to be used for parking under any applicable zoning by-law or

permitted to be used for parking by a minor variance to a zoning by-law or an agreement with the City.

- (3) Landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:
 - (a) Trees, shrubs, grass or flowers;
 - (b) Decorative stonework, walkways or screening; and
 - (c) Any other horticultural or landscape-architectural elements.
 - (4) If paving is permitted as landscaping under the provisions of a zoning by-law, any hard surface paved area must be separated from adjacent driveways and walkways with a physical barrier, not less than 150 millimetres above grade.
- B. Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than 20 centimetres.
- C. All lawns, shrubs and hedges shall be kept trimmed and not be overgrown.
- D. All yards shall be kept free of heavy undergrowth and weeds.
- E. A tree or other plant, or a limb or branch or⁶ it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.
- F. All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
- (1) Obstruct the safety of the public;
 - (2) Affect the safety of vehicular or pedestrian traffic;
 - (3) Constitute an obstruction of view for vehicular traffic;
 - (4) Wholly or partially conceal or interfere with the use of any hydrant or water valves; or
 - (5) Overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.
- G. All catch basins, storm drains, ditches and swales shall be maintained free from defects and obstructions.

⁶ Editor's Note: Technical amendment is required to change "or" to "of."

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§ 629-12. Accessory buildings.

Every accessory building shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

§ 629-13. Enclosures.

All fences, screens and other enclosures around or on a property shall be maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical, with a uniform construction, in good repair and free from hazards.

§ 629-14. Retaining walls.

Retaining walls shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

§ 629-15. Signs.⁷

- A. Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn, peeled or cracked finish, shall be removed or refinished and put in a good state of repair so that the signs are free from defects or faded lettering.
- B. Signs and sign structures that are not used for the purpose intended, not cared for or discarded shall be removed from the property.
- C. Signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

§ 629-16. Structural adequacy.

- 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.

⁷ Editor's Note: See also Ch. 693, Signs.

- 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*.⁸

§ 629-17. Buffering.

Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- A. A barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
- B. A barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;
- C. A visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
- D. The provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

§ 629-18. Exterior walls, columns and beams.

- A. Exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials.
- B. The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- C. Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure.
- D. All canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

⁸ Editor’s Note: See S.O. 1992, c. 23.

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§ 629-19. Stairs, guards, handrails and other structures.

- A. All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.
- B. All retaining walls shall be protected by a guard with a height of not less than 1,070 millimetres, if the vertical distance to the surface or horizontal plane below the retaining wall is greater than 600 millimetres.
- C. All required guards and handrails shall be installed in accordance with and maintained to comply with the Ontario Building Code.

§ 629-20. Roofs and roof structures.

- 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.
- C. Drainage.
 - (1) Where a rain-water collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter and then into a downpipe that discharges directly into the building drain or not more than 150 millimetres above grade.
 - (2) Any above-ground discharge from a downpipe or pipe shall be directed to discharge and be contained on the property in a manner that is not likely to cause damage to any adjoining property or create a hazardous condition on any stairway, walkway, street or boulevard.
- D. Every eavestrough, roof gutter, flashing and downpipe shall be protected by a suitable finishing material and shall be maintained free from leaks, defects, obstructions and hazards, water-tight and in good repair.
- E. All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.
- F. Chimneys, smoke or vent stacks and other similar roof structures and their supporting members shall be maintained in good repair and free from defects.

§ 629-21. Exterior openings, doors, windows and skylights.

- A. Exterior openings.

- (1) All exterior openings for doors and windows shall be fitted with doors or windows that are maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
 - (2) Any openings in an exterior wall of a building that are not protected by a door or window shall be maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
 - (3) All exterior doors, windows, skylights and basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and free from defects and missing components.
- B. All windows in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All windows capable of being opened and all exterior doors shall be free from defective hardware and be capable of being locked or otherwise secured from inside the building.
- D. Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.
- E. In every multiple-dwelling, every window, any part of which is capable of being opened, that does not lead to a balcony and that is located two metres or more above the finished grade of land upon which it faces, shall be equipped with a safety device to prevent an opening in any part of the window greater than 100 millimetres.
- F. All windows in any common area of multiple-dwelling that are greater than two metres above grade and do not lead to a balcony must have a guard that complies with the Ontario Building Code, if the lower sill is less than one metre from the floor.

§ 629-22. Garbage and debris storage and disposal.

- A. Garbage and refuse shall be stored in receptacles and removed in accordance with other City by-laws.
- B. All garbage bags containing garbage shall be stored within an enclosed garage or in a covered garbage receptacle.
- C. Every property shall have a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants so as to contain all garbage, debris and trade waste. **[Amended 2004-06-24 by By-law No. 559-2004]**

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- D. The receptacles shall be containers that are water-tight, equipped with a tight-fitting cover, rodent- and pest-proof, and shall be maintained in a clean state. [**Amended 2004-06-24 by By-law No. 559-2004**]
- E. If a garbage chute system was originally installed in a multiple-dwelling, the system shall be maintained operative. [**Amended 2004-06-24 by By-law No. 559-2004**]
- F. Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour-free condition.
- G. The place for temporary storage and disposal of garbage and refuse shall be kept in a litter-free and odour-free condition, maintained in a manner that will not attract pests, create a health or other hazard, or obstruct an emergency route, recreation facility, parking area, driveway or walkway.
- H. Where garbage and refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage place or place for disposal shall be screened.
- I. If an exterior bulk or roll-off container garbage disposal system is used, it shall be equipped with covers or similar devices that are easily opened, but shall not be left open, except when being loaded.
- J. Any exterior bulk or roll-off garbage disposal system shall be large enough to contain all garbage and refuse generated between collections and not be loaded beyond the top of the container.

§ 629-23. Steps, walks, driveways, parking and loading areas.

- A. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be maintained in good repair so as to afford safe passage under normal use.
- B. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be cleared of snow and ice within 24 hours of a snowfall to provide safe access and egress for persons and vehicles.
- C. A walk shall be provided from the principal entrance of every building to a public street, or to a driveway that provides access to a public street.
- D. All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
- E. Despite Subsection D, if a non-residential property abuts a residential property, all the areas used for vehicular traffic or the parking or storage of a vehicle shall be surfaced with asphalt, concrete or interlocking stone.

- F. All areas of a yard that are used for vehicular traffic or the parking or storage of a vehicle or that are surfaced with a material impervious to water shall be:
- (1) Kept free from dirt, surface dust and refuse;
 - (2) Maintained in good repair and free from cracks, holes and ruts;
 - (3) Adequately graded and drained to prevent ponding of water and to direct the flow of water away from the walls of all buildings; and
 - (4) Provided with suitable markings to indicate parking spaces, and the markings shall be maintained so as to be clearly visible.
- G. Any yards that have been previously covered with paving materials shall be repaired with materials of the same composition and consistent with the original materials.
- H. All areas of a property used for vehicular traffic or the parking or storage of a vehicle shall be provided with secured curb stops or other restraining devices to prevent vehicles from causing injury to any person or encroaching on or causing damage to any property.

§ 629-24. Vacant buildings and property.

- A. The owner of any unoccupied building or other vacant property shall protect the building or property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized persons.
- B. If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:
- (1) By covering all windows, doors and other openings in the building that provide a means of entry with plywood or an equivalent material that shall be securely fastened and tight fitting, and shall:
 - (a) Have a thickness not less than 12 millimetres;
 - (b) Be fixed, if covering a wooden door or window frame, by steel wire nails of not less than 50 millimetres in length and, if covering a metallic door or window frames, by self-tapping screws not less than 38 millimetres in length, and the nails or screws shall be spaced at intervals of not more than 150 millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
 - (2) By blocking up all windows, doors and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.

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- C. All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.
- D. Where a building remains vacant for a period of 90 days or more, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the property or adjoining premises.
- E. A vacant property that is not a building shall be secured by fencing, wheel stops, bollards or similar devices to prevent unauthorized entry.

§ 629-25. Occupancy standards.

- A. A room designed and intended for use as a non-habitable area shall not be used as a habitable area.
- B. No basement or cellar space shall be used as a dwelling unit or as a habitable room unless this use is otherwise permitted by law and complies with the other occupancy provisions in this chapter.
- C. The maximum number of persons living in a habitable room shall not exceed one person for each nine square metres of habitable room floor area.
- D. For the purposes of this section, the minimum height of a habitable room shall be 1.95 metres over at least 1/2 the floor area, and, for the purposes of Subsections E and F, any floor area under a ceiling that is less than 1.4 metres in height shall not be counted in computing the required minimum floor area of a room used for sleeping.
- E. The minimum floor area of a room used by only one person for sleeping shall be six square metres with the room having a minimum dimension on one side of two metres.
- F. The minimum floor area of a room used by two or more persons for sleeping shall be four square metres for each person so using the room.

§ 629-26. Floors, stairs and landings.

- A. Every floor, stair, landing and every appurtenance, surface covering and finish attached to or laid upon it shall be maintained so as to properly perform its intended function and be reasonably smooth and level.
- B. Any repair, replacement or painting required by Subsection A shall be such that the material used shall have a finish and facing similar to that of the original covering.

- C. Floors and floor coverings shall be maintained free from any trip or other hazardous condition and shall be kept in a clean and sanitary condition and free from holes, stains, rubbish and debris.
- D. Floors of rooms in which plumbing fixtures are installed shall be maintained to be reasonably impervious to water and in a condition that permits easy cleaning.

§ 629-27. Walls and ceilings.

- A. Every wall and ceiling shall be maintained clean and free of holes, cracks and damaged and deteriorated surface material, and each repair shall be finished to reasonably match the existing walls or ceilings.
- B. Previously finished walls and other surfaces in public areas of property shall be maintained in good repair and shall be renewed or refinished, when necessary, to maintain a similar appearance.
- C. Marks, stains, graffiti, smoke damage, painted slogans or other similar markings or defacements on previously finished walls and other surfaces in public areas of property shall be removed and the surface refinished.
- D. Where noxious fumes, odours or gases are, or could be, present, all elements of separation shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, odours or gases through the separation.

§ 629-28. Doors, passageways and exits.

- A. Doors, passageways and exits shall be maintained free from hazardous conditions, obstructions and impediments.
- B. Required or provided safety equipment relative to exits and means of egress, such as, but not limited to, door closures, co-ordinating devices, smoke seals and pressurized vestibules, latching devices, hinges, moulding and similar devices shall be maintained in good working order.
- C. Interior doors, their frames, glass panels and hardware shall be maintained in good repair, and all doors shall be of a good fit in their frames.
- D. All doors and hatches to the roof that provide access for the purpose of maintenance shall be kept locked at all times.

§ 629-29. Multiple-dwellings entrances and exits.

- A. In multiple-dwellings where there is a shared entrance:

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- (1) Every door used as an entrance to or exit from the building shall be kept closed and locked and equipped with self-closing and self-locking mechanisms, and the door shall not be secured in an open position except in an emergency situation; and **[Amended 2004-06-24 by By-law No. 559-2004]**
 - (2) Each dwelling unit shall be connected by a two-way voice communication system and security locking release mechanism to the principal entrance of the building, and:
 - (a) A principal entrance terminus of the system shall be located so as to be easily accessible from the exterior of the building when the door at the principal entrance is locked; and
 - (b) The communication system shall not identify a tenant by unit number.
- B. Communication systems between dwelling units and the entrance terminus and all security locking device and release mechanisms connected to the systems shall be maintained in good repair and in operative condition.
- C. If exit doors are used as an exit from a multiple-dwelling containing 10 or more dwelling units, the doors shall be so arranged as to be readily opened without the use of a key in the direction of exit travel, and the exit doors shall be of a type easily identified and operated even in darkness. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. If doors connect dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, the doors shall have dead-bolt locks with a bolt throw of not less than 25 millimetres, and the locks shall be protected with a solid or hardened free-turning ring or bevelled cylinder housing and be of a type that cannot be accidentally locked against entry by closing of the door.
- E. All devices and hardware required under Subsection D, including automatic door closers, shall be installed and maintained in good repair or replaced when removed.
- F. Subsection D does not apply to entrance doors equipped with electronic or electrical locking devices, entrance doors more than two metres above the adjacent grade and not having direct access to grade via stairs, or exit doors not permitted by either the Ontario Fire Code or the Ontario Building Code to have a locking device.
- G. Doors shall afford the occupants of a dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
- H. Shared locker and storage rooms in multiple-dwellings shall have a door that is equipped with a locking device controlling access, and the door shall be kept locked in a closed position except when access is being permitted. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-30. Ancillary rooms.

- A. All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.
- B. Laundry rooms shall be maintained in a clean and sanitary condition, and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- C. All laundry rooms shall have a trapped floor drain connected to the drainage system and capable of adequately draining the floor. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-31. Elevators.

- A. Elevators shall be maintained in a clean condition and certified to be in good working order and in compliance with the *Elevating Devices Act*.⁹
- B. All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

§ 629-32. Services and utilities.¹⁰

- A. No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- B. Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is not¹¹ longer provided.

§ 629-33. Mail.

- A. Every dwelling unit shall have a separate and secure mail box or mail receptacle that is maintained in good repair at all times. **[Amended 2004-06-24 by By-law No. 559-2004]**

⁹ Editor's Note: See R.S.O. 1990, c. E.8.

¹⁰ Editor's Note: See also Ch. 835, Vital Services, Discontinuance of.

¹¹ Editor's Note: Technical amendment is required to change "not" to "no."

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- B. If a mail slot provides direct access into a dwelling unit, it shall be designed or located so as to prevent access from the slot to unlock the doorknob or other locking device.
- C. Access to mail rooms shall be maintained in good repair to ensure the security of the mail

§ 629-34. Kitchen facilities.

- A. Every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to water.
- B. The sink shall be connected to an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.

§ 629-35. Electrical service and outlets.

- A. Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.
- B. The capacity of the system of circuits and electrical outlets within a building shall be adequate for the intended use of all rooms, and adequate electrical outlets shall be installed to prevent the need for extension cords or other extensions being used as a permanent wiring system. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All electrical fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in good working order.

§ 629-36. Lighting.

[Amended 2004-06-24 by By-law No. 559-2004]

- A. Adequate artificial light required to maintain the level of illumination shall be provided at all times.
- B. For the purposes of this chapter, the following levels of illumination shall apply:

- (1) For interior lighting of a building area, the level of illumination specified for the area in the Ontario Building Code.
 - (2) For exterior lighting for parking lots, walkways, stairs, porches, verandas, loading docks, ramps or other similar areas, a minimum level of illumination of 10 lux (0.90 foot-candle) at ground or tread level and at angles and intersections at changes of level where there are stairs or ramps.
- C. (Reserved)
- D. Interior and exterior lighting fixtures and lamps shall be installed and maintained so that the work, operations or activities normally carried out in or about any part of the property can be undertaken in safety and without undue eye strain.
- E. All standards supporting artificial lights, lighting and the connections to lighting shall be kept in a safe and clean condition, in good repair and in good working order.
- F. All lighting fixtures shall be protected from damage, and, if necessary to protect the a lighting fixtures¹² from damage, the lighting fixture shall be protected by the provision of wired glass or other suitable means of protection, and the fixtures and protective material shall be maintained in a clean condition.
- G. For purposes of Subsection A, “floor level” means the lower surface of a room, but in the case of stairs, means any area along the staircase, and in the case of an outdoor area, includes ground level.

§ 629-37. Plumbing.

- A. All plumbing systems shall be maintained so that: **[Amended 2004-06-24 by By-law No. 559-2004]**
- (1) All drain, waste and vent piping, plumbing fixtures and appurtenances contained in the plumbing system are connected to a sanitary sewage system;
 - (2) All water piping is connected to the municipal water service system; and
 - (3) The plumbing system is kept in good working order, free from leaks or defects, protected from freezing and kept in a clean and sanitary condition.
- B. Every dwelling unit shall have an adequate supply of potable and running hot and cold water from a source approved by the Medical Officer of Health. **[Amended 2004-06-24 by By-law No. 559-2004]**

¹² Editor’s Note: Technical amendment is required to change “to protect the a lighting fixtures” to “to protect a lighting fixture.”

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- C. In every dwelling unit, all hot water shall be supplied at a temperature of not less than 45 degrees Celsius and not more than 60 degrees Celsius. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. Every dwelling unit shall have at least one water closet, one wash basin, one kitchen sink and one bathtub or shower. **[Amended 2004-06-24 by By-law No. 559-2004]**
- E. All plumbing fixtures provided under Subsection D shall be connected with an adequate supply of potable, hot and cold running water, except that any water closet only needs to be connected to a cold water supply.
- F. A water closet equipped with adequate running water shall be installed, located and equipped to afford privacy.
- G. A properly connected wash basin shall be located in or adjacent to every room that contains a water closet or urinal.
- H. Basements or cellars that have concrete floors shall have an adequate number of trapped floor drains that are maintained in good repair and connected to the sewage system. **[Amended 2004-06-24 by By-law No. 559-2004]**
- I. The trapped floor drains required under Subsection H shall be screened with a metal grill or other suitable material so as to effectively exclude rodents.
- J. All toilet facilities and toilet rooms shall be kept clean and neat at all times.

§ 629-38. Heating and air conditioning.¹³

- A. Every heating and air-conditioning system or unit shall be kept in good repair and maintained in good working condition at all times relevant to the operation of that system.
- B. Every dwelling and every dwelling unit shall have a heating system capable of maintaining a room temperature of 21 degrees Celsius at 1.5 metres above the floor level in all habitable rooms, bathrooms and toilet rooms. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment directly from the outside air.
- D. Auxiliary heaters shall not be used as a permanent source of heat.
- E. Fireplaces and other solid-fuel-burning appliances shall be connected to a smoke pipe, chimney flue or gas vent that shall be installed and maintained in good repair.

¹³ Editor's Note: See also Ch. 497, Heating.

- F. All air-conditioning systems shall be operated from June 2 to September 14 so as to maintain an indoor temperature of not more than 26 degrees Celsius.
- G. All air conditioners and other water-cooled equipment shall be equipped with proper devices for the prevention of condensation drainage or discharge onto sidewalks, walkways, driveways and entrance areas or other areas used for pedestrian or vehicular traffic.
- H. The devices provided under Subsection G shall be configured so as not to cause damage to the walls or foundations or other parts of a building.

§ 629-39. Ventilation.

- A. Adequate ventilation shall be provided to all areas of a building, and every ventilation system or unit shall be regularly cleaned, kept in good repair and maintained in good working condition at all times to ensure its proper operation.
- B. If a system of mechanical ventilation is used in a dwelling, the system shall be capable of completely changing the air in all rooms at least once per hour.
- C. Ventilation shall be provided and maintained for every sanitary convenience room, either by means of natural ventilation through openings directly to the outside air that are not less than 0.09 square metre in size for each toilet and for each urinal, or by means of mechanical ventilation that is capable of completely changing the air in the room at least once per hour.
- D. If a system of mechanical ventilation is operated that exhausts noxious fumes, gases, dust or sawdust from a non-residential building, the discharge from the system shall terminate above the roof line of the building and not less than three metres clear of any skylight, window, ventilation or other opening into a building, and the system shall be operated in such a way as not to constitute a nuisance.
- E. If noxious fumes or gases are or could be present in a mixed-use building, ventilation shall be provided to remove the noxious fumes or gases, and all surfaces separating the non-residential portion from the residential portion of the building shall be of gas-tight construction and maintained in a good state of repair to effectively prevent the passage of noxious fumes or gases through the separation.
- F. A parking or storage garage that has a capacity for more than five vehicles shall have a mechanical ventilation system capable of providing a supply of fresh air, and the system shall remain on at all times unless otherwise controlled automatically by a carbon monoxide detection system that is located so as to provide full protection.
- G. Subsection F does not apply to an open-air storey of a parking or storage garage, if at least 25 percent of the total area of the perimeter walls of the storey is open to the outdoors in a manner that will provide cross ventilation to the entire storey.

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§ 629-40. Parking or storage garages.

- A. The walls, floors, ceilings and columns of every parking or storage garage shall be maintained free of holes, breaks or cracks, and impervious to water.
- B. If a parking or storage garage has a common entrance and a capacity for more than five vehicles, it shall be painted as follows, and all painted surfaces shall be maintained in a state of good repair and reasonable cleanliness:
 - (1) Every ceiling, wall and column shall be painted white from 60 centimetres above floor level; and
 - (2) The remaining portion of the wall and the column from floor level to a height of 60 centimetres shall be painted black. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. No machinery, boats, vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or junk or rubbish shall be kept or allowed to remain in a parking or storage garage.

§ 629-41. Garages doors; exit doors.

- A. If a garage door allows for vehicular ingress or egress from a parking or storage area, and is equipped with an automatic closing mechanism, the garage door shall be equipped with a sensing device that does not allow the door to close when any person, animal or object is crossing its path.
- B. Except as provided in Subsection C, every parking or storage garage shall be served by not fewer than two pedestrian exit doors.
- C. In a building of not more than two storeys in building height, a parking or storage garage may be served by one pedestrian exit door if:
 - (1) The floor area of the storage garage is 200 square metres or less;
 - (2) The maximum travel distance from any point within the parking or storage garage to the exit is 25 metres or less; and
 - (3) The occupant load served by the exit is not more than 60 persons.
- D. Every pedestrian exit door referred to in Subsection B:
 - (1) Shall be designed and installed to open in the direction of exit travel and shall swing on its vertical axis;
 - (2) Shall have a reliable self-closing mechanism, and shall not at any time be secured in an open position; **[Amended 2004-06-24 by By-law No. 559-2004]**

- (3) Shall be designed and installed so that, when the latch is released, the door will open easily in the direction of exit travel;
 - (4) Shall, except as permitted in Subsection D(5), be equipped with fastenings that allow the door to be readily opened from the inside without requiring keys, special devices or specialized knowledge of the door's opening mechanism; and
 - (5) May incorporate an electromagnetic locking device that does not incorporate latches, pins or similar devices to keep the door in the closed position if the following conditions are met:
 - (a) The building is equipped with a fire alarm system conforming to the Ontario Building Code;
 - (b) The locking device is installed as an ancillary device to the fire alarm:
 - [1] Upon activation of the fire alarm signal;
 - [2] In the event of a power failure or ground fault; and
 - [3] Upon actuation of a manually operated switch accessible only to authorized personnel manning a central control facility at all times that the building is occupied;
 - (c) A manually activated signalling box for the fire alarm system is located on the wall not more than 600 millimetres from the door;
 - (d) If, upon release, the locking device must be reactivated manually by the actuation of the switch in Subsection D(5)(b)[3];
 - (e) A legible sign having the words EMERGENCY EXIT UNLOCKED BY FIRE ALARM is permanently mounted on the exit door; and
 - (f) The lettering on the sign required in Subsection D(5)(e) is 25 millimetres high with a five-millimetre stroke.
- E. If more than one pedestrian exit door is required from a parking or storage garage, the exit doors shall be located so that the travel distance to at least one exit door shall not be more than:
- (1) Sixty-one metres in any parking or storage garage that is an open parking or storage garage of not more than 10,000 square metres in building area and where no alternative use is made above the garage;
 - (2) Forty-five metres in any parking or storage garage that is equipped with a sprinkler system; and
 - (3) Thirty metres in any parking or storage garage that is not equipped with a sprinkler system.

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- F. In Subsection E, “travel distance” means the distance from any point in the floor area to an exit measured along the path of exit travel.
- G. Pedestrian exit doors shall be located and arranged so that they are clearly visible or their locations are clearly indicated and they are accessible at all times.
- H. Every door providing access to a parking or storage garage used or intended for use exclusively by the residents of a multiple-dwelling for the storage or parking of motor vehicles shall be equipped with:
 - (1) A latch that will prevent entry to the garage except by the use of a key, coded card or similar device; and
 - (2) A self-closing device designed to return the door to the closed and latched position after each use.
- I. If there is any conflict between Subsection H and the Ontario Fire Code or the Ontario Building Code, the Codes prevail.
- J. If an exit door required under this section does not open directly to the outside of a building, the exit door must incorporate wired glass panels over 50 percent of its surface unless it is also a door which is required to have a fire protection rating, in which case it must incorporate the maximum coverage of wired glass panels allowed by the Ontario Building Code.
- K. If it is necessary to pass through a required exit door to obtain access to a lockable entrance door to the building, all doors through which a person must pass or pass by from the first required exit door to the outside of the building, except the lockable entrance door and the door opening directly to the outside, must incorporate wired glass panels over 50 percent of their surfaces.
- L. If a door is required to incorporate wired glass panels under Subsection J or K, the door shall conform with any requirements of the Ontario Building Code and the Ontario Fire Code.

§ 629-42. Garage exit door signs.

- A. For the purposes of this section, the following terms shall have the meanings indicated:

ALERT SIGN — The sign described in the diagram in Schedule A-1, at the end of this chapter.

LARGE SAFE-EXIT ARROW — The sign described in Schedule A-2, at the end of this chapter.

SAFE-EXIT DOOR — A door leading to or constituting a required exit from a storage garage required and installed under the *Ontario Building Code Act, 1992*,¹⁴ the Ontario Building Code, any by-law respecting the construction of buildings passed under a predecessor of the *Ontario Building Code Act, 1992* or this chapter.

SAFE-EXIT ROUTE — A route in the storage garage from the parking stalls to a safe-exit door having less than five safe-exit route decision points.

SAFE-EXIT ROUTE DECISION POINT — The point along the safe-exit route where there is more than one option in the direction of travel.

SMALL SAFE-EXIT ARROW — The sign described in Schedule A-3, at the end of this chapter.

- B. In Schedules A-1, A-2 and A-3 at the end of this chapter, if a paint colour number is provided, for example, “GREY BODY (17178),” the part of the sign indicated shall be coloured to match the colour indicated by that number in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck.
- C. Large safe-exit arrows shall be displayed on safe-exit doors 1.5 metres above the floor, measured from the centre of the arrow to the floor, with the arrow pointing down.
- D. Where the placing of the arrows would have the effect of covering all or part of the glazed portion of an exit door, the arrow may be displayed in an alternate location if the location has been approved by the officer as meeting the general intent of this requirement.
- E. All parking or storage garages shall have safe-exit routes designated in accordance with the provisions of this chapter.
- F. Small safe-exit arrows shall be prominently displayed on columns or walls 1.5 metres above the floor, measured from the centre of the arrow to the floor:
 - (1) At least every 10 metres along the safe-exit route;
 - (2) At all safe-exit route decision points along the safe-exit route; and
 - (3) Wherever a safe-exit route crosses a traffic aisle.
- G. A safe-exit door, the frame of a safe-exit door and the wall adjacent to the safe-exit door to a distance of one metre on both sides of the frame and to a height of three metres above the floor or to the soffit above the bulkhead over the door, shall be coloured green to match the colour indicated by number 14193 in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck. [**Amended 2004-06-24 by By-law No. 559-2004**]

¹⁴ Editor’s Note: See S.O. 1992, c. 23.

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- H. Alert signs shall be prominently displayed on columns or walls 2.1 metres above the floor, measured from the top of the sign to the floor, so that there is one alert sign for every 25 parking stalls in the parking or storage garage, with the alert signs being evenly distributed in the parking or storage garage, but located not more than 30 metres apart.

ARTICLE V
Transition

§ 629-43. Transition.

- A. A by-law listed in Section 45¹⁵ continues to apply for purposes of any notice or order given under the by-law until the work required by the notice or order is completed or any other enforcement proceedings in respect of the notice or order have been concluded.
- B. Where a person is alleged to have contravened a by-law listed in Section 45 before the date this chapter comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.
- C. A reference to a by-law listed in Section 45 in a former municipality's by-law shall be deemed to be a reference to this chapter.
- D. If an appeal of an order made under subsection 15.2(2) of the *Building Code Act, 1992*¹⁶ to the Housing Standards Committee of the former City of Toronto or the Property Standards Committees of the former municipalities of the Borough of East York and the Cities of Etobicoke, North York, Scarborough and York has not been heard before January 1, 2002, the appeal shall be heard by a committee hearing panel that is responsible for all or part of the geographic area in which the property is located. [**Added 2001-12-06 by By-law No. 1068-2001**¹⁷]

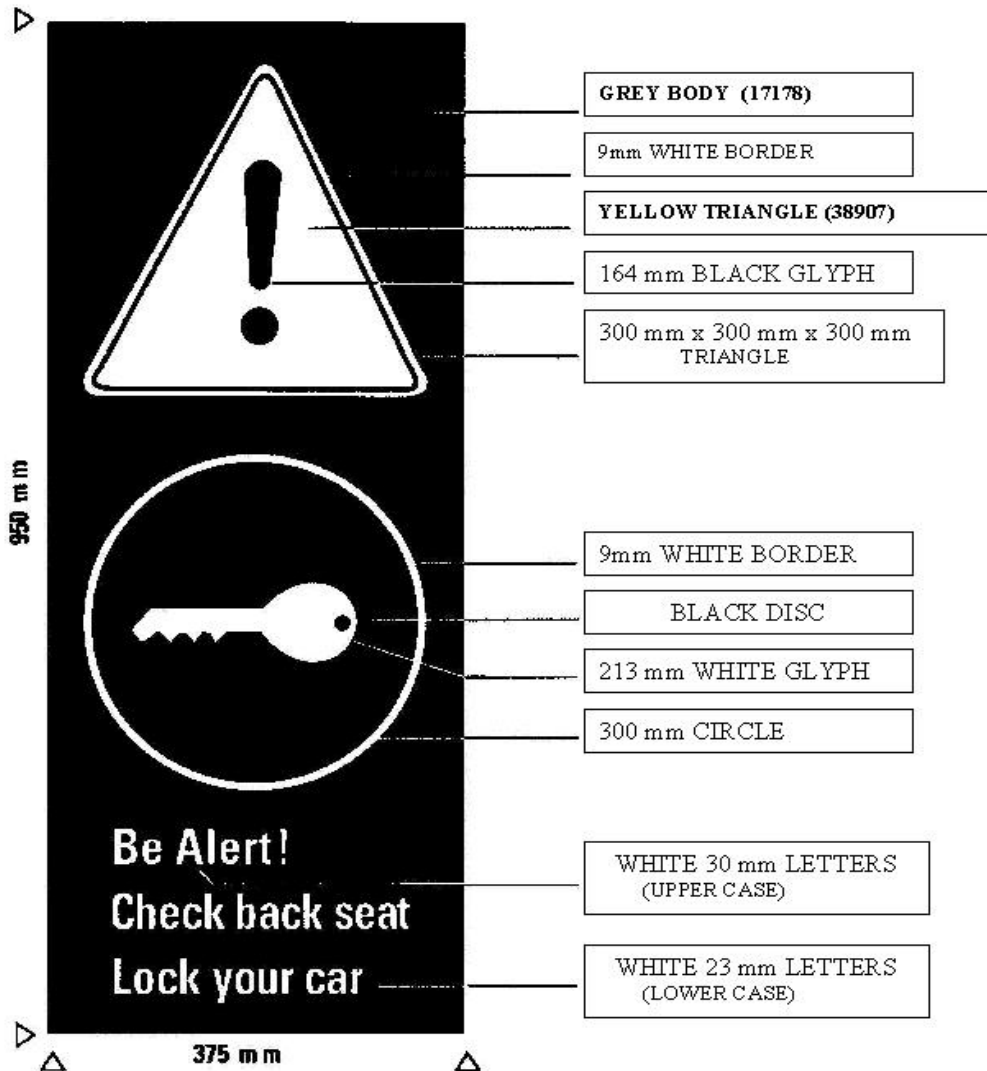
¹⁵ Editor's Note: Section 45 listed all other by-laws repealed by this by-law. Upon codification, the information on repealed by-laws is set forth in a footnote off the chapter history.

¹⁶ Editor's Note: See S.O. 1992, c. 23.

¹⁷ Editor's Note: This by-law came into force 2002-01-01.

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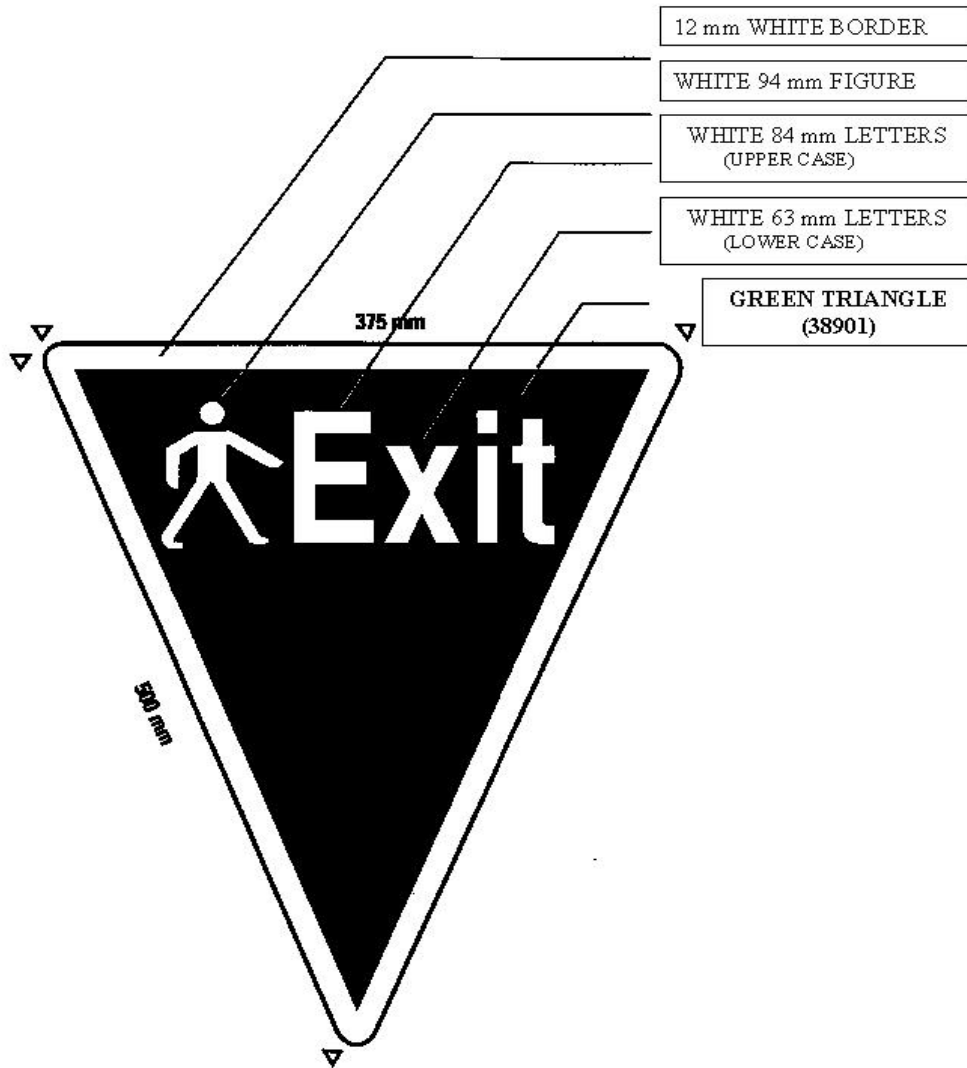
SCHEDULE A-1 TO CH. 629
ALERT SIGN



SCHEDULE A-1 ALERT SIGN

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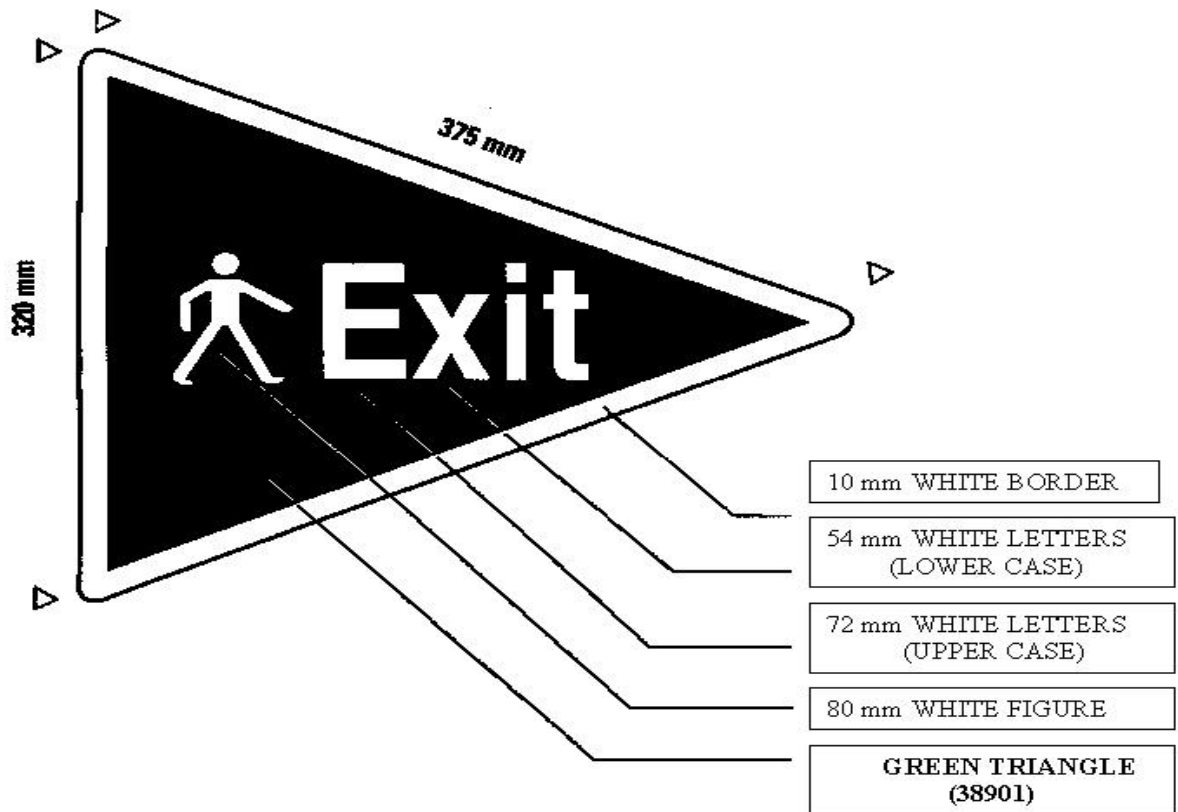
**SCHEDULE A-2 TO CH. 629
LARGE SAFE-EXIT ARROW**



SCHEDULE A-2 LARGE SAFE-EXIT ARROW

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SCHEDULE A-3 TO CH. 629
SMALL SAFE-EXIT ARROW



SCHEDULE A-3 SMALL SAFE-EXIT ARROW