



## DISTRICT OF PORT HARDY

### BYLAW NO. 1131-2021

## A Bylaw to Regulate Minimum Rental Property Standards

WHEREAS Section 8(3)(g) of the *Community Charter* provides that a council may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety or protection of persons or property in relation to matters referred to in section 63;

AND WHEREAS section 63(f) of the *Community Charter* provides that a council authority may exercise its authority under section 8(3)(g) in relation to rental units and residential property that are subject to a tenancy agreement under the *Residential Tenancy Act*;

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled enacts as follows:

### Part 1 – CITATION AND INTERPRETATION

#### 1.1 Citation

This bylaw may be cited for all purposes as the "DISTRICT OF PORT HARDY MINIMUM RENTAL PROPERTY STANDARDS BYLAW".

#### 1.2 Interpretation

1.2.1 In this bylaw, unless the context otherwise requires, the definitions in the *Community Charter* and *Interpretation Act*, RSBC 1996, c.238, govern, and the following definitions apply:

**"Accessory Building"** means a detached **building** or structure located on the same lot or site as the principal **building**, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal **building**;

**"Building"** means any structure used or intended for supporting or sheltering any use or occupancy;

**"British Columbia Building Code"** means the British Columbia Building Code, as amended from time to time;

**"British Columbia Electrical Code"** means the British Columbia Electrical Code, as amended from time to time;

**"Chief Building Official"** means the manager and head administrator of the municipal building department for the **District** and includes persons authorized to act on behalf of the **Chief Building Official**;

**"Community Charter"** means the *Community Charter*, SBC 2013, c.26;

**"Director of Development Services"** means the Director of Development Services for the **District** and includes **persons** authorized to act on behalf of the **Director of Development Services**;

**"Director of Engineering and Operational Services"** means the Director of Engineering and Operational Services for the **District** and includes persons authorized to act on behalf of the **Director of Engineering and Operational Services**;

**"District"** means the District of Port Hardy;

**"Dwelling"** means a **building** or **structure**, or part of a **building** or **structure** occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all **accessory buildings**;

**"Hand basin"** means a plumbing fixture primarily intended for the washing of hands, with hot and cold water connected thereto;

**"Landlord"** includes the lessor, sub-lessor, **owner** or other **person** permitting the occupation of a **rental unit**, and their heirs, assigns, personal representatives and successors in title and includes a **person**, other than a **tenant** occupying the premises, who is entitled to possession of the **residential premises**;

**"Owner"** in respect of real property means the registered owner of an estate in fee simple;

**"Rental unit"** has the same meaning as under the **Residential Tenancy Act**;

**"Residential Property"** has the same meaning as under the **Residential Tenancy Act**;

**"Residential Tenancy Act"** means the *Residential Tenancy Act*, SBC 2002, c.78;

**"Sink"** means a plumbing fixture, primarily intended for the washing of dishes and utensils, with hot and cold water connected thereto;

**"Standards"** means the **standards** set out in Parts 3 and 4 of this bylaw;

**"Tenancy agreement"** has the same meaning as under the **Residential Tenancy Act**; and

**"Tenant"** means a **person** or **persons** who have the right of exclusive possession of a **rental unit**.

## **Part 2 – ADMINISTRATION AND ENFORCEMENT**

### **2.1 Application**

This bylaw applies to all rental units and residential property in the District.

## **2.2 Owner's Duties and Obligations**

An owner of a rental unit or residential property shall maintain that property in accordance with the standards prescribed in this bylaw.

## **2.3 Responsibility for Administration**

The Chief Building Official and the Director of Development Services have authority to administer and enforce this Bylaw.

## **2.4 Chief Building Official's Right of Entry**

The Chief Building Official and the Director of Development Services are authorized to enter, at all reasonable times, into or on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met.

## **2.5 Notice to Comply to Bylaw Standards**

2.5.1 The Chief Building Official may direct an owner or landlord whose rental unit or residential property fails to meet the requirements of this bylaw to remedy the non-compliance within the time stated by the Chief Building Official in a written notice to comply delivered to the owner.

2.5.2 Any owner who receives a notice under this section must comply as required by the notice.

## **2.6 Enforcement**

2.6.1 Every person who, without lawful excuse, contravenes this bylaw by doing any act which it forbids or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine not to exceed \$10,000.00.

2.6.2 A separate offence shall be deemed to be committed for each day during and in which the contravention occurs.

2.6.3 The penalties imposed under section 3.6.1 are in addition to and not in substitution for any other penalty or remedy imposed by this bylaw.

2.6.4 No person shall prevent or obstruct, or attempt to prevent or obstruct, entry of the Chief Building Official to any premises or property as authorized under this bylaw.

## **2.7 Compliance with Other Bylaws**

Compliance with this bylaw does not excuse an owner or any person from the requirement to comply with all other municipal bylaws and regulations.

## **2.8 Severability**

If any portion of this bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to that extent and the remainder of the bylaw shall continue in force and effect.

## **Part 3 – MINIMUM STANDARDS FOR RESIDENTIAL PROPERTY AND LANDS**

### **3.1 Sewerage Systems**

All sewerage, organic waste and grey water from each residential property shall be discharged into a municipal sewerage system, or by other means authorized for the purpose of discharging domestic sewage under the *Sewerage System Regulation*, B.C. Reg 326/2004.

### **3.2 Safe Passage**

For every residential property:

- (a) steps, walks, driveways, parking spaces, and similar areas shall be maintained to afford safe passage under normal use, at all times.
- (b) common corridors, passageways, stairs and paths of egress and exit shall be maintained and safe for all traffic imposed, at all times.

### **3.3 Accessory Buildings**

Accessory buildings that are part of a residential property shall be kept in good repair and, without limiting the foregoing, shall be kept free from health and fire hazards.

### **3.4 Fences and Accessory Structures**

3.4.1 Fences, barriers and retaining walls around or on a residential property shall be kept in good repair.

3.4.2 Fences, barriers, retaining walls and other similar accessory structures shall not impede egress from any portion of the buildings on lands which constitute residential property.

## **Part 4 – MINIMUM STANDARDS FOR MAINTENANCE OF DWELLINGS AND RENTAL UNITS**

### **4.1 Pest Prevention**

For every residential property, all openings that may permit the entry of rodents into basements, crawl spaces, and other parts of a dwelling or rental unit shall be covered with durable rodent-resistant material or screened with metal grills.

### **4.2 Dampness**

For all dwellings and rental units that are part of a residential property:

- (a) the interior floors, ceilings and walls shall be kept in good repair, and without limiting the foregoing, kept free from dampness by means of proper ventilation;
- (b) basements and crawl spaces shall be kept free from dampness by means of floor drains, sump pumps or equivalent facilities;
- (c) basement floors shall be kept dry and free from major cracks, breaks or similar which may allow for ingress of water;

- (d) exterior elements shall be sealed to be weather tight so as not to allow seepage causing dampness; and
- (e) roof draining systems, including roof gutters, downspouts, and rain leaders of a dwelling or rental unit shall be maintained in good repair to ensure proper drainage function.

### **4.3 Structural Integrity**

4.3.1 Every building that is a part of a residential property and its structural members, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceiling, shall be maintained in good repair and, without limiting the foregoing, in a manner that provides sufficient structural integrity so as to safely support its own weight and any additional loads and influences to which it may be subjected through normal use.

4.3.2 Without limiting section 4.3.1, for every building that is a part of a residential property:

- (a) exterior walls, roofs and other parts of the building shall be kept in good repair and, without limiting the foregoing, kept free from loose, rotted and broken materials and objects, and algae accumulation;
- (b) signage, cornices, entablature, belt courses, corbels, terracotta trim, wall facings and similar architectural features shall be maintained in good repair with proper anchorage which shall be maintained in good repair;
- (c) walls and ceilings shall be maintained in good repair and, without limiting the foregoing, kept free of holes, cracks, loose coverings and other defects;
- (d) where there are fire resistive walls that separate rental units, they shall be maintained in a condition which retains their fire-resistant quality;
- (e) floors shall be kept free of all loose, warped, protruding, broken, cracked, or rotted materials including floor coverings and floor system components, such as floor joists, rim boards and supports; and
- (f) footings, foundation walls, piers, slabs-on-grade and the basement, cellar or crawl space floors shall be maintained in good repair and, without limiting the foregoing, kept structurally sound.

4.3.3 All materials and building components referred to in section 4.3.2, which have been damaged or show evidence of rot or other deterioration, shall be repaired or replaced so that they are in good repair.

### **4.4 Windows and Doors**

For all dwellings and rental units that are a part of a residential property:

- (a) all exterior openings shall be fitted with functioning lockable doors or windows;
- (b) windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair and, without limiting the foregoing, maintained to prevent the entrance of wind or rain into the dwelling;
- (c) rotted or damaged doors, door frames, window frames, sashes and casings, broken glass and missing or defective door and window hardware shall be repaired or replaced so that they are in good repair;
- (d) at least one entrance door in every rental unit shall have hardware which is capable of being locked from both inside and outside of the rental unit;
- (e) all windows capable of being opened and all exterior doors shall have hardware capable of being locked or otherwise secured from inside the rental unit;

- (f) every bedroom shall have a window maintained to meet the requirements in the applicable British Columbia Building Code for egress;
- (g) the security blocking of exterior doors shall be maintained to conform to the applicable British Columbia Building Code;
- (h) all windows and doors shall have latching and locking devices and shall be maintained in good repair; and
- (i) all windows and doors shall be weather tight and weather-stripped to keep wind and rain out.

#### **4.5 Porches, Balconies and Stairs**

For all residential property:

- (a) An inside or outside stair and any porch appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards, and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced so that they are in good repair.
- (b) All railings and guard rails shall be maintained in good repair on the open sides of any balcony, porch, and stair, and shall remain in compliance with the British Columbia Building Code.

#### **4.6 Plumbing**

For all buildings that are part of a residential property:

- (a) All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks and connection lines to the water sewer system, shall be maintained in good repair and, without limiting the foregoing, kept free of leaks or other defects, properly vented, and protected from freezing; and
- (b) Every hand basin, bathtub, shower and sink shall have an adequate supply of hot and cold running water and every toilet and toilet tank shall have an adequate supply of running water. Hot water shall be supplied at a maximum temperature of 49 degrees Celsius to all aforementioned fixtures.

#### **4.7 Heating**

For all rental units:

- (a) Heating equipment shall be maintained in good repair and free from fire and accident hazards and, without limiting the foregoing, shall be capable of safely maintaining every room at a temperature of 22 degrees Celsius measured at a point of 1.5 meters from the floor, and in the center of the room;
- (b) Heating must be supplied to all rental units by a reliable heat source which does not require the use of supplemental heating by way of solid fuel burning or space heaters.
- (c) If supplemental heating is supplied by means of as a solid fuel-burning appliance, the appliance must be certified and installed by a qualified person. A storage area must be supplied for fuel and shall be safely maintained in a convenient location and be so constructed to be free from fire or accident hazards.

#### **4.8 Ventilation**

For every rental unit, ventilation shall be maintained in accordance with the requirements of the British Columbia Building Code applicable at the time the rental unit was certified for occupancy.

#### **4.9 Electrical**

- 4.9.1 All lighting equipment shall be maintained throughout each rental unit and residential property to provide reasonable levels of illumination, which, at exits and entrances, shall be no less than 10 lux at the path of egress.
- 4.9.2 For every residential property, electrical wiring and lighting equipment, including circuits, fuses, outlets and switches, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good repair, and in accordance with the requirements of the *Electrical Safety Regulation*, BC Reg. 100/2004 and the British Columbia Electrical Code.
- 4.9.3 Every room used for cooking, eating, sleeping or human occupancy within a rental unit, excluding any bathroom, utility room, workroom, furnace room and storage room, pantry room, stairway, lobby, communication corridor, or space for service and maintenance of the dwelling for public use, and for access to and vertical travel between building stories, shall have a minimum of 1 electrical duplex outlet maintained in good repair except kitchens in which a minimum of 2 electrical duplex outlets shall be provided and maintained in good repair.
- 4.9.4 Upon inspection, the Chief Building Official may require the owner of the rental unit to obtain an electrical inspection conducted by a safety officer designated pursuant to the *Safety Standards Act*, SBC 2003, c.39 and the Safety Standards General Regulation, B.C. Reg. 105/2004 if there is a safety concern for the tenants.

#### **4.10 Interior Fire and Health Safety Hazards**

For all residential property:

- (a) All walls, floors and roof construction requiring fire separation, with or without a required fire-resistant rating, fire protective closures, sprinkler systems, fire alarm systems and detection systems, and other means of fire protection shall be maintained so that they provide the fire resistant/ protective properties and protection for which they were designed;
- (b) All required smoke detection and carbon monoxide (CO) detection shall be supplied and maintained in working order; and
- (c) All in-duct smoke detectors or smoke control dampers shall be maintained in working order and regularly tested as required by law.

**Part 5 – EFFECTIVE DATE**

**5.1** This bylaw shall come into effect upon the date of its adoption.

Read a First time on the 27<sup>th</sup> day of April, 2021

Read a Second time on the 11<sup>th</sup> day of May, 2021

Read a Third time on the 25<sup>th</sup> day of May, 2021

Adopted by the Municipal Council on the 8<sup>th</sup> day of June, 2021

*Original signed:*

\_\_\_\_\_  
Director of Corporate Services

\_\_\_\_\_  
Mayor

Certified to be a true copy of  
District of Port Hardy Bylaw No. 1131-2021  
Annual Tax Rate Bylaw for the Year 2020

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Director of Corporate Services