



O.A.P.S.O.

Ontario Association of Property Standards Officers

Presentation to the

O.B.O.A.

Annual Meeting & Training Session

Wednesday October 6th, 2010

Presented By



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OAPSO



- Founded in 1974
- June 1992 OAPSO Act – Private Members Bill
- Membership Certification
- Non-profit volunteer Board
- 12 Directors
- 997 members
- Certification Training
- Advocacy
- Education

What is Property Standards?



- Another By-law, (written under the authority of the Ontario Building Code Act)
- Council adopts policy, we enforce it
- Driven by complaints or proactive initiatives
- Superior public relations skills
- “thick skin”
- Diagnostic more than prescriptive
- Vehicles, equipment, uniforms
- Networking is very important
- OAPSO, OBOA, MLEOA, AMCTO, PAO, AMO

Advantages of Property Standards By-laws and Enforcement



- Mechanism to maintain properties and buildings to a minimum standard
- Sustains property values
- Preserves the tax base
- Indirectly inhibits crime, (broken window theory)
- Enhances quality of life of residents
- Assists in bringing order to municipal neighbourhoods

What is Property Standards?



Three Basic Principles

- If it's broke, fix it
- If it used to be there, replace it
- If it is no longer required, remove it





















Tenant Protection Act; Bill 96

June 17th, 1998.



- Transfers authority for municipal property standards enforcement from Planning Act to Building Code Act
- Eliminates the step of Notice; can go right to Order
- Order to be served on owner and persons affected
- Order “deemed” to have been received 5 days after being sent by registered mail
- Recovery of municipal repair costs “in the same manner and priority as municipal real property taxes”
- Increase in maximum fines on conviction:

Individuals	\$ 50,000	1st offence
	\$100,000	subsequent
Corporations	\$100,000	1st offence
	\$200,000	subsequent

Duty to inspect



Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality **may**, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Duty to inspect



Inspection of property without warrant

- 15.2 (1)** Where a by-law under section 15.1 is in effect, an 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,
- (a) whether the property conforms with the standards prescribed in the by-law; or
 - (b) whether an order made under subsection (2) has been complied with.

Duty to inspect



Contents of order

(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,

Duty to inspect



- (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;

Duty to inspect



- (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.

Duty to inspect



Service and posting of order

(3) The order **shall** be served on 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.

Service of Order



27. (1) A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

Service of Order



(2) If a notice or order is served by registered mail, the service shall be deemed to have been made on the **fifth day** after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

Retroactivity



“property” means 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;

Orders



Property Standards Orders are issued under the authority of 3 different sections of the Building Code Act:

1. 15.2 Order
2. 15.7 Emergency Order
3. 15.8 Report Order

15.2 Order



- Deficiency has to be a violation of a standard specified in a property standards by-law.
- 14 Days to appeal to the Property Standards Committee. *(PSC has same powers of the officer.)*
- 14 days, either side can appeal decision of the PSC to the Superior Court of Justice. *(Judge has the same powers as the PSC, final & binding)*

15.7 Emergency Order



- Emergency situation has to be an **immediate** danger to the health and safety of any person.
- Emergency situation has to be a violation of a **standard** in the by-law.
- Action to **terminate the danger** may be taken before or after the order is served.
- Emergency Order has to be confirmed by a Judge of the Superior Court of Ontario



15.8 Report Order

- To facilitate an inspection under 15.2.
- Can apply any to element of a property.
- Report should contain the following:
 - An original copy addressed to the property owner.
 - The current condition of the element under report.
 - Recommended methods and materials of repair.
 - A schedule of work with an estimated date of completion.
 - Signed and stamped by the Engineer if appropriate.