

HALIFAX

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Item No. 11.1.2
Halifax Regional Council
September 29, 2020
November 10, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: August 26, 2020

SUBJECT: **Amendments to By-law M-200, Respecting Standards for Residential Occupancies, and Administrative Order 15, Respecting License, Permit and Processing Fees**

ORIGIN

On April 30, 2019 the following motion of Regional Council was put and passed:

“THAT Halifax Regional Council direct the Chief Administrative Officer to:

- 1. draft amendments to By-law M-200, Respecting Standards for Residential Occupancies, that include provisions for mandatory registration of residential rental accommodations following the principles as described in the “Proposed Framework” section of the staff report dated March 21, 2019.*
- 2. the report shall also address concerns outlined in the Investment Property Owners Association of Nova Scotia (IPOANS) email of April 29, 2019, including municipal and property owner financial implications, managing the By-law in relationship to the Tenancy Act especially in terms of cases before Residential Tenancies or Small Claims Court, and the public release of minor landlord Bylaw violations.*
- 3. release all available By-law M-200 violation records, as available, on HRM’s open data website following the requirements as set out in Administrative Order 2011-006-ADM, the Open Data Administrative Order.”*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39,

Clauses 188(1)(a), (b) and (c):

188(1) The Council may make by-laws, for municipal purposes, respecting

- (a) the health, well being, safety and protection of persons;
- (b) the safety and protection of property;
- (c) persons, activities and things in, on or near a public place or place that is open to the public;

RECOMMENDATION ON PAGE 2

188(2) Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law

- (a) regulate or prohibit;
- (b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;

Subsection 199(1), Setting out Regional Council's power to create a Minimum Standards By-law;

199 (1) Without limiting the generality of Section 188, the Council may make by-laws

- (a) prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings, or parts thereof, occupied for residential purposes, whether the building, or part thereof, is erected, constructed or converted to residential purposes before or after the date of the making of the by-law;
- (b) limiting the number of persons who may reside in a building or part thereof;
- (c) imposing on the owner, tenant or occupant, or any one or more of them, the responsibility for complying with the by-law;
- (d) providing for notice to an owner, occupant or tenant, or any one or more of them, to discontinue the residential use of a building, or part thereof, in contravention of the by-law; and
- (e) prescribing penalties for such residential use after notice to discontinue the use is given.

(7) The standards of a by-law passed pursuant to this Section shall be consistent with the standards prescribed pursuant to the *Building Code Act* and regulations.

Building Code Act, R.S.N.S, c. 46;
Fire Safety Act, 2002, c.6, section 5; and,
Building Code Regulations, N.S. Reg 26/2017

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Adopt By-law M-201, the purpose of which is to amend By-law M-200, Respecting Minimum Standards for Residential Occupancies including housekeeping and general amendments, as set out in Appendix B.
2. Adopt the Amending Administrative Order, the purpose of which is to amend Administrative Order 15, Respecting the License, Permit and Processing Fees, as set out in Appendix D.

BACKGROUND

The implementation of By-law M-200, “Standards for Residential Occupancies” has raised the standard of living in Halifax for many properties, with a focus on “Safe, Warm, Dry” methodology. Further to their consideration of a staff report¹ dated March 21, 2019, Regional Council on April 30, 2019 directed the Chief Administrative Officer to prepare amendments to By-law M-200 to include changes to the program to enhance standards in the following focus areas:

1. a rental registry;
2. strategic inspection and regulation;
3. new safety requirements;
4. community integration and education; and
5. accountability.

This report contains the amendments to By-law M-200 and Administrative Order 15, to remove the fee for rooming house licensing, for Council’s consideration. A Regulatory Impact Analysis was completed for the Report with the determination that it met the objectives specified under the Administrative Order 2017-002-ADM.

DISCUSSION

In response to Council direction, several changes are necessary:

Amendments to the existing By-law M-200 - This report is limited to the By-law M-200 amendments. The proposed changes to the M-200 By-law (Appendix B) are intended to improve the focus areas and support the introduction of the residential rental registry.

Creation of a Residential Rental Registration By-law - The Registration By-law is estimated for presentation to Council in April 2021. The Registry will include specific rules for rental property owners and provide a foundation of information used to better understand and resolve issues related to each building type. The details related to the implementation of the Registry are a work in progress as matters such as software and staff support remain outstanding.

The changes covered in this report are not dependent on the activation of a Registry. While a section specific to residential rental properties has been created, the previous by-law regulated these properties under the main section dedicated to all residential properties other than Rooming Houses. The amendments to the By-law focus on technical requirements that enhance the regulatory framework of the current By-law. The amended By-law along with the violation release will provide a positive impact on health, safety and community integration conditions of existing buildings.

Development of an educational package -The educational package should ideally coincide with the coming into force of the Registration By-law. Staff will be in a position to include the requirement by the landlord to distribute a copy of the M-200 By-law and the existing M-200 information card to all tenants. The remainder of the educational package (such as brochures, handouts, signage, web links etc.) is expected to be complete by mid-2021.

Public release of By-law M-200 violations on HRM's Open Data site – The program for release of By-law violations is complete and went live in early September. The violations do not include historical data and rely on recent and ongoing by-law investigations. IPOANS was exposed to the program, provided feedback and are in agreement with the final product. This approach addresses concerns expressed by IPOANS

¹ See report online at: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190430rc1515.pdf>

relating to cases before Residential Tenancies or Small Claims Court.

New sections added to the By-law

The sections of the By-law were changed to include rentals (**Part 4**), and a replacement for rooming houses using a broader definition of Mini-suites (**Part 4A**):

Part 1 Interpretations (Definitions applicable to By-law)

Part 2 General Requirements (Administrative requirements that apply to all residential occupancies)

Part 3 General Maintenance Standards (Technical requirements that apply to all residential occupancies)

Part 4 Rental Housing (Technical requirements that apply to rental housing and Mini-Suites)

Part 4A Mini-Suites (Technical requirements that apply to Mini-Suites only)

Part 5 Administrative Responsibilities (Regulatory language that applies to all residential occupancies)

Rooming house licensing

The requirement for Rooming House licensing was removed from the By-law. Rooming houses will be included in the Residential Rental Registration By-law. In the interim, the regulations still apply to these buildings and they can continue to undergo inspections without being licensed.

As licensing is no longer taking place, the fee associated with the license (\$100 every two years) should be removed from Administrative Order 15.

New requirements for Residential Rentals

Many of the health and safety technical requirements noted below were previously limited to licensed rooming houses. The proposed amendments build on the success of the rooming house licensing program. The safety rules were adapted to apply to all rentals but are not dependent on the administrative burden of a licensing program. It is anticipated that these changes, combined with a residential rental registration program, educational material, and proactive, targeted inspections will result in safer and more compliant rental accommodations.

Most buildings do not benefit from modern improvements in fire and life safety features found in current building codes. The requirements presented below are intended to provide tenants and owners with a reasonable and consistent minimum safety standard, regardless of the year of construction. Modifications were made to adapt the requirements for use in multi-unit buildings and converted dwellings while allowing flexibility for one and two unit buildings. There are also new provisions to improve community integration so that the growing rental stock can better fit in with the surrounding community.

1. Life Safety Provisions, Guards, Sleeping Rooms and Kitchens

- These categories were previously in the rooming house section and were moved to Part 4 “Rental Housing”.

2. Smoke and Carbon Monoxide Alarms

- Improved locations of smoke alarms, including inside and outside all sleeping rooms and on every floor. This complies more closely to the modern standard and will encourage sleeping with closed doors.
- Interconnection of all smoke alarms to provide faster notice of a fire or smoke condition. To allow for easier retrofit of existing units, wireless interconnection is being permitted.
- Photoelectric smoke alarms will result in a faster alert of a smoke condition and fewer false alarms. This will reduce smoke alarm deactivation, which is an ongoing issue.

- Smoke alarms enhanced to include Carbon Monoxide (CO) alarms where a fuel fired appliance is present. This can be done either through combination Smoke/CO alarms or individual units.
3. Electrical
 - Added requirements to prevent both the tenant and owner from disconnecting electrical power in rental units. This will help enforcement when power has been disconnected while the unit is still occupied and will ensure all safety systems remain operational.
 4. Laundry Rooms
 - Added requirements for maintenance of dryer equipment.
 - Added requirements for separation of Laundry rooms in multi-unit buildings. Clothes dryers are one of the leading causes of house fires.
 5. Garbage
 - This section was added to expand upon existing requirements of the S-600 By-law to improve community integration of rentals. It is designed educate owners and tenants of waste containment requirements.
 6. Parking
 - This section was added to support requirements of existing Land Use By-laws to improve community preservation and integration of rentals. It is designed to educate and increase awareness of the property owners and tenants about Land Use regulations regarding parking.
 7. Noise
 - This section was added to expand requirements of existing N-200 By-law to improve community preservation and integration of rentals. It is designed to involve owners in noise violations taking place on their rental properties, and will incorporate basic requirements that increase awareness, accountability and tenant/landlord collaboration should allow for better enforcement of the N-200 By-law requirements.
 8. Maintenance Provisions
 - Added a system of regular inspection and maintenance for appliances throughout the rental that may present a fire risk.

Mini-suites

The amendments introduce the category of “Mini-Suites” which is a broader definition of shared housing. Traditional “single room” rooming, boarding and lodging configurations will be covered under this new definition. Suites that include multiple rooms, but still share some amenities, needed to be included as well.

The term “Rooming House” has developed a negative reputation. The term Mini-Suite will better support improved living accommodations as a result of new/expanded Building, Fire and Land Use regulations.

Closing Remarks

These By-law amendments propose a minimum safety standard for all residential buildings and now include enhanced safety, community integration, and accountability provisions for rental properties.

Currently, owners are not required to upgrade their buildings beyond the standard to which they were built. This means that improvements in building safety only benefit those living in newer buildings. While

homeowners may have the option of upgrading their level of fire and life safety systems, tenants often do not. These revisions set a more realistic minimum standard for safety that should be applied to all rentals.

FINANCIAL IMPLICATIONS

The work associated with the amendments to the by-law cannot be absorbed by the existing staff complement, particularly due to increased powers and breadth of regulatory oversight. There is an anticipated need for increased staffing to keep pace with the increased workload associated with these changes. Subsequent work increases associated with By-law M-200/FSA inspections will be assessed post-implementation and aligned with appropriate requests for staffing complement increases for affected Business Units. These will be brought forward for Council Decision during future budget discussions.

For the remainder of fiscal year 2020/21, two Assistant Building Official positions will be overstaffed to perform the workload associated with the by-law amendments. The impact to the 2020/21 budget will be approximately \$60,000 and can be absorbed through vacancy savings. The workload will be assessed and, if required, there will be a request for those positions to become permanent during the 2021/22 budget planning process. This represents a pressure of approximately \$152K on the 2021/22 operating budget.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate low.

To reach this conclusion, consideration was given to health and safety related risks. As these amendments meet or exceed the minimum safety standard set by the Province, they are not expected to present a risk to the Municipality.

COMMUNITY ENGAGEMENT

Community engagement was not performed for these amendments. Related community engagement sessions were conducted by Stantec for feedback to a rental property registration/licensing program. A letter submitted by IPOANS in 2019 contains items specific to Registration/Licensing. Discussion of those issues will be incorporated in the upcoming Registry By-law report. The release of historical data on violations was discussed in the context of both FOIPOP and legal due process and a determination was made to release only on a go-forward basis.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Regional Council may choose to direct the Chief Administrative Officer to prepare amendments to:

1. By-law M-200, Respecting Standards for Residential Occupancies, that are different from those recommended in this report. This may require a supplementary report.

2. Administrative Order 15, Respecting License, Permit and Processing Fees that are different from those recommended in the report.

ATTACHMENTS

Appendix A – Showing Proposed Changes to By-law M-200

Appendix B – By-law M-201

Appendix C – Showing Proposed Changes to AO 15

Appendix D – Amending Administrative Order

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-200
RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES**

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to the *Halifax Regional Municipality Charter* as follows.

1. (1) This By-law shall be known as “By-law M-200” and shall be cited as the “Standards For Residential Occupancies By-law.” It shall apply to all residential occupancies within Halifax Regional Municipality.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.
- (3) All residential occupancies within Halifax Regional Municipality shall comply with all applicable legislation, including the *Building Code Act*, the *Nova Scotia Building Code Regulations*, the *Fire Safety Act* and the *Fire Safety Regulations*.

Part 1: INTERPRETATION

2. (1) Unless otherwise defined herein, definitions contained in the current *Building Code Act*, *Fire Safety Act*, *Nova Scotia Building Code Regulations*, the *Halifax Regional Municipality Charter* and the *Nova Scotia Building Code* also apply to this By-law.
- (2) In this By-law:
 - (a) “Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (b) ~~“applicant” means any person who makes application for any license under the provisions of this by-law~~ **repeal**;
 - (c) “bathroom” means a ~~habitable~~ room containing at least one toilet, one wash basin and a tub or shower;
 - (d) “Building Code” means the Nova Scotia Building Code in effect at the time of inspection;
 - (e) “*Building Code Act*” means the *Nova Scotia Building Code Act*, R.S.N.S., c.46, as amended from time to time;
 - (f) “dwelling unit” means a suite operated as a house keeping unit, used or intended to be used ~~as a domicile~~ by one or more persons **and usually** containing cooking, eating, **living**, sleeping and **bathroom sanitary** facilities, ~~and includes habitable rooms~~;

(g) “fire alarm system” means an interconnected set of electric or electronic devices, including smoke detectors, heat detectors, pull stations, alarm bell and control panel, working together to detect and sound an alarm in the building when smoke or fire is present or upon manual activation of a pull station;

(ga) “fire safety floor plan” means an oriented floor plan that includes the location of all exits, primary exit routes, pulls stations, and fire extinguishers;

(h) “fire separation” means a construction assembly that acts as a barrier against the spread of fire;

(i) “habitable room” means a room designed for or which may be used for living, sleeping, eating or cooking;

(j) “Inspector” means a person appointed by the Municipality as a Building Official or a Municipal Fire Inspector;

(k) “kitchen” means a habitable room containing a sink, storage area(s), a counter or work area(s) and space provided for cooking and refrigeration appliances including suitable electrical or gas connections;

~~(l) “License Administrator” means the person or persons designated by the Chief Administrative Officer and includes a person acting under the supervision and direction of the License Administrator~~ repeal;

(la) “mini-suite” means a single room or series of rooms occupied or intended to be occupied under a separate tenancy that shares either kitchen or bathroom facilities with no less than three other separate tenancies, but does not include:

(i) a dwelling unit; or

(ii) an institution under the *Homes for Special Care Act* or any other general or special Act;

(m) “Municipality” means the Halifax Regional Municipality (HRM);

(n) “Order to Comply” means a notice to the owner of a building to correct any violations of this By-law;

(o) “owner” includes any one or combination of the following as defined in the *Halifax Regional Municipality Charter*:

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and

(iii) in the absence of proof to the contrary, the person assessed for the property.

(p) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in subsection 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;

(pa) “rental housing” means a residential property or a portion of a residential property occupied by someone other than the owner, for which an occupant pays rent to the owner;

(q) “residential occupancy” means the occupancy or use of a building or part thereof for sleeping accommodation but shall not include buildings where people are harboured or detained and does not include hunting camps, cottages or other similar seasonal residences;

~~(r) “rooming, boarding, and lodging house” means any building in which four (4) or more rooms providing occupancy are rented for remuneration as separate units of residential accommodation whether or not meals or kitchen facilities are provided, but does not include:~~

~~(i) apartment buildings or multiple unit dwellings as defined by various Land Use By-laws of the HRM; or~~

~~(ii) a hotel licensed under the *Hotel Regulations Act*; an institution licensed under the *Homes for Special Care Act* or any other general or special Act. **repeal;**~~

(s) “smoke alarm” means a combined smoke detector and an audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite; **and**

(sa) “suite” means a single room or series of rooms of complementary use, operated or intended to be operated under a single tenancy, and includes dwelling units, individual guest rooms, and mini-suites; and

(t) “waterproof finish” means ceramic, plastic, sheet vinyl, laminated linoleum or other material rendering a surface impermeable to water.

Part 2: GENERAL REQUIREMENTS

General Duties and Obligations

3. The standards of this By-law are minimum standards.
4. The owner of a building shall maintain the building to the standards as provided in this By-law.
5. Notwithstanding section 4, the owner of a building shall maintain the building to at least the standard to which it was required to be built, unless otherwise specified in this By-law.

Inspections

6. (1) Where an inspection is required or conducted pursuant to this By-law:
- (a) the Inspector may enter in or upon land or premises at a reasonable time without a warrant;
 - (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four (24) hours in advance; and
 - (c) where a person refuses to allow the Inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an Order:
 - (i) to allow the Inspector entry to the building; and
 - (ii) restraining a person from further interference.

Part 3: GENERAL MAINTENANCE STANDARDS

Fire Prevention

7. (1) The owner of every building shall install a fire alarm system in conformance with the requirements of articles **9.10.18.2** and **9.10.18.4** of the Nova Scotia Building Code.
- (2) Fire alarm systems shall be maintained in an operational condition at all times.
 - (3) All required fire separations required by the Nova Scotia Building Code shall be installed and maintained so as to prevent the spread of fire from one compartment to the next.

Structural Soundness

8. (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.
- (2) The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Interior Walls, Ceilings and Floors

9. (1) Every floor, ceiling and interior surface of every wall in a building shall be maintained free from dampness.
- (2) Every wall, partition, ceiling and floor in a habitable area **or a bathroom** of a building shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings, loose, warped or broken boards or other defects.

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

Foundations and Exterior Walls

10. (1) Every basement, cellar, crawl space and similar space shall be ventilated and free from excessive dampness so as not to cause damage to remainder of building.
- (2) The assembly of every exterior wall of a building and all components shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects or animals.
- (3) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

Pest Control & Building Health

11. (1) Buildings shall be kept free of rodents and insects at all times.
- (2) Methods used for removing such pests shall be in accordance with the provisions of the *Pest Control Products Act*.
- (3) Maintenance shall be provided to prevent significant visual damage to surfaces resulting from dampness.
- (4) Where an Inspector has grounds to believe an unsafe or hazardous condition exists the Inspector may order, at the expense of the owner, tests be conducted by qualified professionals.

Windows and Doors

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

Egress

13. (1) Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level.

- (2) Buildings equipped with a fire escape as a secondary means of egress shall maintain the escape in good condition, be free from obstructions and easily accessed through a window or door operable from inside without requiring keys or specialized knowledge to open.
- (3) Any required egress shall not pass through a room in another dwelling unit or a service room.
- (4) Where egress windows are provided, ~~all secured windows required to be operable~~ they shall ~~be so without requirement of~~ not require keys or specialized knowledge to operate.

Stairs, Decks, and Balconies

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

Fireplaces, Fuel-burning Appliances, and Chimneys

15. (1) Every fuel-fired appliance intended for use as a heating source shall meet the requirements of the applicable CSA Standard.
- (2) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building.
- (3) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (4) Equipment that burns fuel in a building shall be vented to the outside air by means of a chimney, flue, smoke pipe, vent pipe or a similar duct.
- (5) Every fireplace used, capable of being used, or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be vented to the outside air by means of a chimney.
- (6) All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel shall be maintained in good repair and shall meet the requirements of all applicable standards.
- (7) If in the opinion of the Inspector there is doubt as to the safety of the heating system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence

or proof be submitted where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Heating

16. Every building shall be equipped with suitable heating facilities for maintaining an indoor ambient temperature of 21 degrees Celsius, which shall be obtainable throughout all occupied areas.

Plumbing Facilities and Fixtures

17. (1) All water supply pipes shall be provided with a supply of potable running water from:
- (a) a source approved by the Halifax Regional Water Commission or from an approved on-site well; or
 - (b) by an alternative potable water supply source.
- (2) All bathroom, kitchen and laundry plumbing fixtures shall supply:
- (a) hot and cold running water; and
 - (b) hot water capable of being supplied at a temperature of not less than 43 degrees Celsius and a temperature of not more than 60 degrees Celsius;
- (3) A mixing valve shall be provided where required by the Nova Scotia *Building Code*.
- (4) All plumbing fixtures shall be:
- (a) connected to the sewage system through water seal traps; and
 - (b) vented to protect the water seal traps in a manner acceptable to the Inspector.
- (5) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are:
- (a) hard, smooth, impervious to hot and cold water;
 - (b) readily accessible for cleansing; and
 - (c) free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- (6) Plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- (7) All service water heaters or coils used to supply hot water to plumbing fixtures shall be equipped with:
- (a) a temperature relief valve designed to open and discharge sufficient water to keep the temperature of the water from exceeding 99 degrees Celsius; and

(b) a pressure relief valve designed to open when the water pressure reaches the rated working pressure of the tank.

Electrical System

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

Ventilation

19. (1) All enclosed areas including basements, cellars, crawl spaces, and attics or roof spaces, shall be ventilated as required by the Nova Scotia Building Code.
- (2) Every bathroom or toilet room shall be equipped with:
- (a) an operable window; or
- (b) a mechanical exhaust fan which shall be maintained in good working order.
- (3) All mechanical ventilation systems shall be maintained in good working order.

Elevating Devices

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

Part 4 ROOMING, BOARDING AND LODGING HOUSES RENTAL HOUSING

General Provisions

21. (1) This part shall not relieve any owner of ~~a rooming, boarding, and lodging house rental housing~~ from compliance with ~~all of the other standards~~ the provisions in Parts 1, 2, 3 and 6 of this By-law or any other applicable ~~regulations~~ legislation.
- (2) ~~The owner shall maintain the rooming, boarding, and lodging house in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:~~
- ~~(a) maintain an indoor ambient temperature of 21 degrees Celsius throughout all occupied areas;~~
- ~~(b) provide working locks on all tenant sleeping rooms that are operable from inside without requiring keys or specialized knowledge;~~
- ~~(c) where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition;~~
- ~~(d) not permit cooking in any sleeping room except by the use of a microwave oven;~~
- ~~(e) provide at least one bathroom for every six occupants or less;~~
- ~~(f) not permit more than two persons to occupy each sleeping room; and~~
- ~~(g) not permit the use of any shared bathroom or shared kitchen for laundry purposes~~ ~~repeal~~.

Life Safety Provisions

22. (1) ~~All common laundry rooms shall meet the requirements of the current Nova Scotia Building Code~~ All doors from dwelling units that lead to common areas shall be solid core or equivalent and be equipped with self closures.
- (2) No person shall cook in a sleeping room with a device that uses resistive heating elements or open flame.
- (3) Each floor serving a common area shall:
- (i) have at minimum a 5 lb ABC type portable fire extinguisher in a conspicuous location that is readily available in the event of a fire, and
 - (ii) have a fire safety floor plan prominently posted as approved by the Inspector.
- (4) Emergency lighting shall be installed in all common areas.
- (5) Every fuel-fired appliance used as a central heating source for more than one suite shall be located in a room separated from the remainder of the building by a fire separation.

Guards

- 22A. (21) Every open side of a stairway or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the current Nova Scotia Building Code.
- (32) In the case where guards and handrails are required to be maintained, they shall be maintained to the standard to which they were built.

Bathrooms

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

Kitchens

24. (1) **When provided,** Every kitchen shall be equipped with:
- (a) a sink that is equipped with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) a storage area of not less than 0.23 m³;
 - (c) a counter or work area at least 0.61 metres in width by 1.22 metres in length, exclusive of the sink, and covered with a material that is impervious to water and grease and is easily cleanable; and
 - (d) a space provided for cooking and refrigeration appliances including electrical or gas connections.
- (2) **Where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition.**

Smoke and Carbon Monoxide Alarms

- 24A. (1) **All dwelling units shall be equipped with smoke alarms conforming to this section.**
- (2) **Subject to subsection (1) buildings equipped a fire alarm system are exempt, provided the system includes heat or smoke detection.**
- (3) **Smoke alarms shall be located:**
- (a) **on each storey including basements;**
 - (b) **in each sleeping room; and**
 - (c) **in a location between the sleeping rooms and the remainder of the building, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.**

- (4) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the dwelling unit to sound.
- (5) Interconnection of smoke alarms may be either wireless or wired.
- (6) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
- (7) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (8) All residential occupancies shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (9) Where a fuel-burning appliance is installed in a suite of residential occupancy, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each bedroom, within 5 m of each sleeping room door, measured following corridors and doorways.
- (10) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a CO alarm shall be installed:
 - (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways, in every suite of residential occupancy that shares a wall or floor/ceiling assembly with the service room, and
 - (b) in the service room.
- (11) For each suite of residential occupancy that shares a wall or floor/ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) All CO alarms required in this section shall conform to CAN/CSA 6.19.

Sleeping Rooms

25. A sleeping room shall:

- (a) have a minimum floor area of 8 m² and a minimum ceiling height of 1.95 metres;
- (b) have a minimum floor area of 5 m² per occupant, where occupied by more than one person; and
- (ba) have:

(i) a door, window or skylight opening directly to an outside space capable of providing natural ventilation, with the sum of the openings being no less than five (5) percent of the floor area of the sleeping room, or

(ii) mechanical ventilation equivalent to (i);

(bb) have windows which meet the egress requirements of the Nova Scotia Building Code or be provided with an exterior exit; and

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

Electrical

26. (1) Electrical power shall be normally available at all times in all parts of every occupied dwelling building.

(2) Every habitable room in a building shall have at least two duplex receptacles repeal.

(2a) Subject to subsection (1), no person shall cause the electrical power to be disconnected to any occupied area of the building.

(3) In sleeping rooms, bathrooms, laundry rooms or combinations thereof:

(a) where the separation distance between shower, tub, or shower/tub combination and a duplex receptacle is less than 3 metres the receptacle shall be protected by ground fault interruption; and

(b) in no instance shall duplex receptacles be placed any closer than 1 metre to a shower, tub, or shower/tub combination.

Laundry Rooms

26A. (1) All laundry rooms shall include signs indicating that lint traps in laundry equipment shall be cleaned before and after each use of the equipment.

(2) Except where otherwise required by the Building Code, all common laundry rooms not within a dwelling unit shall:

(a) not open into a protected exit, and

(b) be separated from the remainder of the building by a fire separation that need not have a fire-resistance rating.

Windows

27. ~~Every sleeping room shall have a door, window or skylight opening directly to an outside space capable of providing natural ventilation, with the sum of the openings being no less than five (5) percent of the floor area of the sleeping room repeal.~~

Additional Provisions

28. (1) ~~In addition to the General Provisions, the building shall comply with the following:~~

- ~~(a) every sleeping room shall have at the entrance a solid core door with self-closing device and positive latching mechanism acceptable to the Inspector;~~
- ~~(b) every floor level containing sleeping rooms shall be served by at least one (1) exit or acceptable means of emergency egress;~~
- ~~(c) all floor assemblies shall be constructed as fire separations;~~
- ~~(d) buildings with 10 or less persons occupying sleeping rooms shall provide and maintain a smoke alarm system comprised of the following:
 - ~~(i) in each common hallway and on the ceiling of each floor adjacent to the stairways a photo-electric ULC smoke alarm with a visual indication that it is in operating condition;~~
 - ~~(ii) such alarms shall be electrically interconnected with each other so that each alarm will sound in all others throughout the building;~~
 - ~~(iii) this system shall be installed using permanent connections to an electrical circuit used for lighting, excluding kitchen circuits, and shall have no disconnect switch between the fuse or breaker and the smoke alarms; and~~
 - ~~(iv) all sleeping rooms, kitchens, service rooms and laundry rooms shall be equipped with smoke alarms;~~~~
- ~~(e) shall have portable fire extinguishers as required under the Nova Scotia Building Code;~~
- ~~(f) emergency lighting shall be installed in all common areas;~~
- ~~(g) all sleeping rooms, kitchens, service rooms and laundry rooms shall be separated from the remainder of the building by a fire separation;~~
- ~~(h) all sleeping rooms shall have windows which meet the egress requirements of the Nova Scotia Building Code or be provided with an exterior exit;~~
- ~~(i) at least one copy of the fire safety plan shall be prominently posted on each floor as approved by the Inspector; and~~
- ~~(j) every fuel-fired appliance intended for use as a central heating source shall be located in a room separated from the remainder of the building by a fire separation-repeal.~~

Garbage

28A. The owner shall provide receptacles, as required by By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to ensure containment of collectible waste to prevent the escape of waste materials into the environment.

Parking

28B. The owner shall limit front yard vehicle access and parking to the designated parking areas as required by the applicable land-use by-law.

Noise

28C.(1) Upon a tenant's conviction of an offence under By-law N-200, the *Noise By-law*, and by Notice of the Inspector, the owner shall develop a written mitigation plan with the tenant in a format prescribed by the Inspector.

(2) The owner shall provide the mitigation plan to the Inspector within 7 days of the Notice.

Maintenance Provisions

28D. A system of regular maintenance and inspection shall be established as required in the Nova Scotia Fire Code or as listed below, whichever is more stringent.

(1) Ducts serving dryers shall be inspected and cleaned as required annually.

(2) Smoke alarms shall be inspected, cleaned, and tested at intervals required by the manufacturer but at a minimum at intervals not greater than 12 months.

(3) Every chimney, flue and flue pipe shall be inspected to identify any dangerous condition:

(i) at intervals not greater than 12 months,

(ii) at the time of addition of any connected appliance, and

(iii) after any chimney fire.

(4) Ventilation fans and filters including bathroom exhaust fans, range hood fans, and heat recovery ventilators shall be inspected and cleaned or replaced as required by the manufacturer.

(5) Fuel fired heating equipment shall be inspected and maintained as required by the manufacturer.

Part 4A: MINI-SUITES

General Provisions

28E. (1) This part shall not relieve any owner of a mini-suite from complying with all of the other standards of this By-law or any other applicable legislation.

(2) The owner shall maintain common spaces in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:

(a) provide working locks on all tenant suites that are operable from inside without requiring keys or specialized knowledge; and

(b) not permit the use of any shared bathroom or shared kitchen for laundry.

Life Safety Provisions

- 28F. (1) Every mini-suite shall be separated from the remainder of the floor area with a fire separation including a solid core door with a self-closing device and positive latching mechanism acceptable to the Inspector.
- (2) Every floor level containing mini-suites shall be served by at least one (1) exit or acceptable means of emergency egress.
- (3) All floor assemblies shall be constructed as fire separations.
- (4) At least one copy of the fire safety floor plan shall be prominently posted on each floor as approved by the Inspector.

Bathrooms

- 28G. (1) Every shared bathroom or toilet room shall be fully enclosed and provided with a door equipped with a locking device and latch.
- (2) Where a bathroom or toilet room is shared by occupants an entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.
- (3) At least one bathroom must be provided for every six occupants or less.

Electrical

28H. Every habitable room in a building shall have at least two duplex receptacles.

Smoke and Carbon Monoxide Alarms

- 28I. (1) All mini-suites and common areas serving mini-suites shall be equipped with smoke alarms conforming to this section.
- (2) Buildings equipped with a fire alarm system are exempt, provided the system includes heat or smoke detection.
- (3) A smoke alarm shall be located:
- (a) on each storey including the basement level;
 - (b) in every kitchen, service room, and laundry room;
 - (c) in each sleeping room; and
 - (d) in a location between the sleeping rooms and the remainder of the mini-suite, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- (4) Where more than one smoke alarm is required within a mini-suite, the smoke alarms within the suite shall be interconnected so that the activation of one alarm will cause all alarms within the mini-suite to sound.

- (5) Where more than one smoke alarm is required in common spaces serving mini-suites, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the common spaces to sound.
- (6) Interconnection of smoke alarms may be either wireless or wired.
- (7) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
- (8) Smoke alarms shall have no disconnect switch between the fuse or breaker and the device.
- (9) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (10) All mini-suites shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (11) Where a fuel-burning appliance is installed in a mini-suite, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) Where a fuel-burning appliance is installed in a service room that is not in a mini-suite, a CO alarm shall be installed:
 - (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways;
 - (b) in every mini-suite that shares a wall, floor or ceiling assembly with the service room; and
 - (c) in the service room.
- (13) For each mini-suite that shares a wall, floor or ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (14) All CO alarms required in this section shall conform to CAN/CSA 6.19.

Part 5: ADMINISTRATIVE RESPONSIBILITIES

Powers of License Administrator

29. ~~The License Administrator is authorized and empowered to:~~

- ~~(1) grant a license;~~
- ~~(2) refuse to grant a license;~~
- ~~(3) revoke a license; and~~
- ~~(4) issue the owner a Notice to comply with this By-law; repeal.~~

Licensing Requirements

30. ~~(1) No person shall operate a rooming, boarding and lodging house in the Municipality which is not validly licensed under this By-law.~~
- ~~(2) No license granted under the provisions of this By-law shall be assigned or transferred by the person to whom it is issued.~~
- ~~(3) Every application for a license and license renewal to operate a rooming, boarding and lodging house shall be submitted to the License Administrator on the appropriate application form, together with appropriate fee as prescribed by Administrative Order 15, and such application shall include the following documentation and information:
 - ~~(a) the name home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the owner(s), if other than the applicant;~~
 - ~~(b) the written consent of the owner of the rooming, boarding or lodging house, if other than the applicant;~~
 - ~~(c) address of the rooming, boarding and lodging house for which the license is sought;~~
 - ~~(d) in the event that the applicant does not reside permanently in the Municipality, the name and signed consent of a person 19 years of age or over who will reside permanently in the Municipality as agent of the applicant for purposes of this By-law;~~
 - ~~(e) maximum number of occupants and number of rooms available for such purposes;~~
 - ~~(f) number of bathrooms in the premises;~~
 - ~~(g) location and capacity of rooms to be used for dining purposes, and~~
 - ~~(h) a floor plan in duplicate of such premises showing measurements and designation of each room, provided that it shall not be necessary to submit such floor plan if the application is for a renewal of a license held in the previous year for the same premises, and if such application states that there has been no change in number, location, size and use of the rooms in such premises since the time of issue of the former license.~~~~

- ~~(4) If the application complies with the provisions of this By-law and with all other relevant by-laws of the Municipality, the License Administrator shall issue a license specifying the number of rooms available and maximum number of occupants permitted.~~
- ~~(5) The license shall be valid for two (2) years from date of issuance.~~
- ~~(6) Every license issued hereunder shall be displayed in a prominent place in the main entranceway of the premises for which it is issued.~~
- ~~(7) No application shall be approved and any license already issued shall be revoked if the License Administrator determines that:~~
- ~~(a) any material information contained in the application is false or is incomplete in any respect;~~
 - ~~(b) the premises for which the application is filed do not comply with the provisions of this By-law;~~
 - ~~(c) the rooming, boarding and lodging house is operated in a manner contrary to this By-law; or~~
 - ~~(d) the rooming, boarding and lodging house is in violation of any other By-law affecting such premises or is in violation of the *Health Protection Act* or any regulation thereunder **repeal**.~~

31. ~~The owner may appeal the License Administrator's decision to refuse to issue a license or revocation of an existing license to the Appeals Committee within seven (7) days of being notified of the decision **repeal**.~~

Orders by the Inspector

32. (1) If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this By-law, the Inspector:
- (a) shall serve or cause to be served to the owner(s) of the property, an Order to Comply; and
 - (b) may at the same time post a copy of such Order to Comply in a prominent place within or on the premises for which it is issued or provide all occupants of the building with a copy.
- (2) Every Order to Comply shall contain:
- (a) the standards to which the building does not comply;
 - (b) the date after which the building will be subject to a re-inspection to confirm compliance with the Order to Comply; and

- (c) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection.
- (3) Where an Order to Comply has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order to Comply will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order to Comply.
 - (4) ~~An owner may appeal an Order to Comply to the Appeals Committee within four days after the Order to Comply is served~~ **repeal.**
 - (5) Where an owner fails to comply with the requirements of an Order to Comply within the time specified in the Order to Comply, the Inspector may enter upon the property and carry out the work specified in the Order to Comply.

Appeals

33. (1) ~~The refusal by the License Administrator to grant a license may be appealed by the applicant for the license to the Appeals Committee within seven (7) days of being served with a notice of the refusal~~ **An owner may appeal an Order to Comply to the Appeals Committee within four days after the Order to Comply is served.**
- (2) ~~An applicant may, within seven (7) days of being served with a Notice that a license will be revoked under subsection 30(7), appeal the decision of the License Administrator to the Appeals Committee~~ **repeal.**
34. An appeal ~~pursuant to subsection 32(4) or subsections 33(1) and (2)~~ shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
35. If the applicant files an appeal, but the Appeals Committee is not scheduled to meet before the date ~~on which the license is to be suspended or revoked, or the date~~ the work is to be completed according to the Order to Comply, the ~~suspension, revocation or~~ Order to Comply shall be held in abeyance until the Appeals Committee has rendered its decision on the appeal.
36. After hearing an appeal, the Appeals Committee may:
 - (a) deny the appeal;
 - (b) allow the appeal and reverse the decision of the ~~License Administrator or~~ Inspector; or
 - (c) make any decision the ~~License Administrator or~~ Inspector could have made under this By-law.

Cost of Work

37. If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 32 the owner shall be fully responsible for the cost of

the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

38. In addition to any other remedies at law, if the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

39. (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.
- (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

Penalties

40. (1) ~~Failure to meet each and every standard specified in this By-law shall constitute a separate and distinct offence~~ **repeal.**

(1a) A person who

(a) violates a provision of this By-law or of an Order issued in accordance with this By-law;

(b) fails to do anything required by this By-law or an Order issued in accordance with this By-law;

(c) permits anything to be done in violation of this By-law or of an Order issued in accordance with this By-law; or

(d) obstructs or hinders any person in the performance of their duties under this By-law or under any Order issued in accordance with this By-law,

is guilty of an offence.

- (2) Every person who ~~violates or fails to comply with any of the provisions of~~ **commits an offence under** this By-law shall be liable, upon summary conviction, to a penalty of not less than ~~One Hundred Dollars (\$100) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding two (2) months~~

(a) for the first offence to a penalty of not less than one hundred and fifty dollars (\$150.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months;

(b) for the second offence to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months;

(c) for the third offence or any subsequent offence to a penalty of not less than four hundred and fifty dollars (\$450.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months.

(2a) Every day during which an offence pursuant to subsection (1a) continues is a separate offence.

(3) ~~In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued~~ repeal.

(4) In addition to a fine imposed for contravening a provision of this By-law, a judge may order the person to comply with the provision or order under which the person was convicted, within the time specified in the order.

a
Repeal

41. The following By-law is hereby repealed:

HRM By-law M-100, the Minimum Standards By-law

Done and passed in Council this 19th day of July, 2016

MAYOR

ACTING MUNICIPAL CLERK

I, Sherryl Murphy, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on, July 19, 2016.

Sherryl Murphy, Acting Municipal Clerk

Notice of Motion:	May 31, 2016
First Reading:	June 14, 2016
Notice of Public Hearing Publication:	July 2, 2016
Second Reading:	July 19, 2016
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 23, 2016

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-201
RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES**

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law M-200, the *Standards For Residential Occupancies By-law*, is amended as follows:

1. Section 1 is amended by adding the following subsection immediately after subsection (2) and before "Part 1: Interpretation":
 - (3) All residential occupancies within Halifax Regional Municipality shall comply with all applicable legislation, including the *Building Code Act*, the *Nova Scotia Building Code Regulations*, the *Fire Safety Act* and the *Fire Safety Regulations*.
2. Subsection (2) of section 2 is amended by:
 - (i) repealing clause (b);
 - (ii) amend clause (f) by:
 - a. striking out the words "as a domicile" after the word "used" and before the words "by one";
 - b. adding the words "and usually" after the word "persons" and before the word "containing";
 - c. adding the word and punctuation mark "living," after the word and punctuation mark "eating," and before the word "sleeping";
 - d. striking out the word "bathroom" after the words "sleeping and" and before the word "facilities";
 - e. adding the word "sanitary" after the words "sleeping and" and before the word "facilities"; and,
 - f. striking out the words and punctuation mark ", and includes habitable rooms" after the word "facilities" and before the semi-colon at the end of the clause;
 - (iii) adding the following clause after clause (g) and immediately before clause (h):
 - (ga) "fire safety floor plan" means an oriented floor plan that includes the location of all exits, primary exit routes, pulls stations, and fire extinguishers;
 - (iv) repealing clause (l);
 - (v) adding the following clause after the newly repealed clause (l) and immediately before clause (m):
 - (la) "mini-suite" means a single room or series of rooms occupied or intended to be occupied under a separate tenancy that shares either kitchen or bathroom facilities with no less than three other separate tenancies, but does not include:
 - (i) a dwelling unit; or

- (ii) an institution under the *Homes for Special Care Act* or any other general or special Act;
- (vi) adding the following clause after clause (p) and immediately before clause (q):
 - (pa) “rental housing” means a residential property or a portion of a residential property occupied by someone other than the owner, for which an occupant pays rent to the owner;
- (vii) repealing clause (r);
- (viii) striking out the word “and” at the end of clause (s); and
- (ix) adding the following clause after clause (s) and immediately before clause (t):
 - (sa) “suite” means a single room or series of rooms of complementary use, operated or intended to be operated under a single tenancy, and includes dwelling units, individual guest rooms, and mini-suites; and
- 3. Adding the words “or a bathroom” after the word “area” and before the words “of a building” in subsection 9(2).
- 4. Amending clause (4) of section 13 by:
 - (i) striking out the words “all secured windows required to be operable” after the word and punctuation “provided,” and before the word “shall”;
 - (ii) adding the word “they” after the word and punctuation “provided,” and before the word “shall”;
 - (iii) striking out the words “be so without requirement of” after the word “shall” and before the word “keys”;
 - (iv) adding the words “not require” after the word “shall” and before the word “keys”; and
 - (v) adding the words “to operate” after the word “knowledge” and before the period at the end of the subsection.
- 5. Amending the title line of Part 4 by:
 - (i) striking out the words “ROOMING, BOARDING AND LODGING HOUSES”, and
 - (ii) adding the words “RENTAL HOUSING”.
- 6. Amending section 21 by:
 - (i) striking out the words “a rooming, boarding and lodging house” after the words “owner of” and the word “from” in subsection (1);
 - (ii) adding the words “rental housing” after the words “owner of” and the word “from” in subsection (1);
 - (iii) striking out the words “all of the other standards” after the word “with” and before the words “of this” in subsection (1);
 - (iv) adding the words “the provisions in Parts 1, 2, 3 and 6” after the word “with” and before the words “of this” in subsection (1);

- (v) striking out the word “regulations” after the word “applicable” and before the period at the end of subsection (1);
 - (vi) adding the word “legislation” after the word “applicable” and before the period at the end of subsection (1); and
 - (vii) repealing subsection (2).
7. Amend section 22 by:
- (i) striking out the words “All common laundry rooms shall meet the requirement of the current Nova Scotia Building Code” in subsection (1);
 - (ii) adding the words “All doors from dwelling units that lead to common areas shall be solid core or equivalent and be equipped with self closures” in subsection (1);
 - (iii) renumbering subclauses (2) and (3), to subclauses (1) and (2) of the newly created section 22A;
 - (iv) adding the following new subsections after subsection (1):
 - (2) No person shall cook in a sleeping room with a device that uses resistive heating elements or open flame.
 - (3) Each floor serving a common are shall:
 - (i) have at minimum a 5 lb ABC type portable fire extinguisher in a conspicuous location that is readily available in the event of a fire, and
 - (ii) have a fire safety floor plan prominently posted as approved by the Inspector.
 - (4) Emergency lighting shall be installed in all common areas.
 - (5) Every fuel-fired appliance used as a central heating source for more than one suite shall be located in a room separated from the remainder of the building by a fire separation.
 - (v) adding the title line “Guards” after the newly added subsection (5) and before the newly added section 22A.
8. Repealing section 23.
9. Amending section 24 by:
- (i) adding the words and punctuation mark “When provided,” before the word “Every” at the beginning of subsection (1);
 - (ii) changing the letter “E” in the word “Every” from uppercase to lower case in subsection (1); and
 - (ii) adding the following subsection after clause (d) of subsection (1) and immediately before the title “Sleeping Rooms”:
 - (2) Where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition.

10. Adding the following new section after the newly added subsection 24(2) and immediately before the title line "Sleeping Rooms":

Smoke and Carbon Monoxide Alarms

- 24A. (1) All dwelling units shall be equipped with smoke alarms conforming to this section.
- (2) Subject to subsection (1) buildings equipped a fire alarm system are exempt, provided the system includes heat or smoke detection.
- (3) Smoke alarms shall be located:
- (a) on each storey including basements;
- (b) in each sleeping room; and
- (c) in a location between the sleeping rooms and the remainder of the building, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- (4) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the dwelling unit to sound.
- (5) Interconnection of smoke alarms may be either wireless or wired.
- (6) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
- (7) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (8) All residential occupancies shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (9) Where a fuel-burning appliance is installed in a suite of residential occupancy, a CO alarm shall be installed:
- (a) inside each sleeping room, or
- (b) outside each bedroom, within 5 m of each sleeping room door, measured following corridors and doorways.
- (10) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a CO alarm shall be installed:
- (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways, in every suite of residential occupancy that shares a wall or floor/ceiling assembly with the service room, and
- (b) in the service room.
- (11) For each suite of residential occupancy that shares a wall or floor/ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
- (a) inside each sleeping room, or

(b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.

(12) All CO alarms required in this section shall conform to CAN/CSA 6.19.

11. Amending section 25 by:

- (i) striking out the word “and” at the end of clause (b); and
- (ii) adding the following two clauses after clause (b) and immediately before clause (c):

(ba) have:

(i) a door, window or skylight opening directly to an outside space capable of providing natural ventilation, with the sum of the openings being no less than five (5) percent of the floor area of the sleeping room, or

(ii) mechanical ventilation equivalent to (i);

(bb) have windows which meet the egress requirements of the Nova Scotia Building Code or be provided with an exterior exit; and

12. Amend section 26 by:

- (i) adding the word “normally” after the words “shall be” and before the word “available” in subsection (1);
- (ii) striking out the word “dwelling” after the word “occupied” and before the period at the end of subsection (1);
- (iii) adding the word “building” after the word “occupied” and before the period at the end of subsection (1);
- (iv) repealing subsection (2); and,
- (v) adding the following subsection after the newly repealed subsection (2) and immediately before subsection (3):

(2a) Subject to subsection (1), no person shall cause the electrical power to be disconnected to any occupied area of the building.

13. Add the following section after section 26 and immediately before section 27:

Laundry Rooms

26A. (1) All laundry rooms shall include signs indicating that lint traps in laundry equipment shall be cleaned before and after each use of the equipment.

(2) Except where otherwise required by the Building Code, all common laundry rooms not within a dwelling unit shall:

(a) not open into a protected exit, and

(b) be separated from the remainder of the building by a fire separation that need not have a fire-resistance rating.

14. Repealing sections 27 and 28.

15. Adding the following the newly repealed section 28 and immediately before Part 5:
ADMINISTRATIVE RESPONSIBILITIES:

Garbage

28A. The owner shall provide receptacles, as required by By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to ensure containment of collectible waste to prevent the escape of waste materials into the environment.

Parking

28B. The owner shall limit front yard vehicle access and parking to the designated parking areas as required by the applicable land-use by-law.

Noise

28C.(1) Upon a tenant's conviction of an offence under By-law N-200, the *Noise By-law*, and by Notice of the Inspector, the owner shall develop a written mitigation plan with the tenant in a format prescribed by the Inspector.

(2) The owner shall provide the mitigation plan to the Inspector within 7 days of the Notice.

Maintenance Provisions

28D. A system of regular maintenance and inspection shall be established as required in the Nova Scotia Fire Code or as listed below, whichever is more stringent.

(1) Ducts serving dryers shall be inspected and cleaned as required annually.

(2) Smoke alarms shall be inspected, cleaned, and tested at intervals required by the manufacturer but at a minimum at intervals not greater than 12 months.

(3) Every chimney, flue and flue pipe shall be inspected to identify any dangerous condition:

- (i) at intervals not greater than 12 months,
- (ii) at the time of addition of any connected appliance, and
- (iii) after any chimney fire.

(4) Ventilation fans and filters including bathroom exhaust fans, range hood fans, and heat recovery ventilators shall be inspected and cleaned or replaced as required by the manufacturer.

(5) Fuel fired heating equipment shall be inspected and maintained as required by the manufacturer.

Part 4A: MINI-SUITES

General Provisions

28E. (1) This part shall not relieve any owner of a mini-suite from complying with all of the other standards of this By-law or any other applicable legislation.

(2) The owner shall maintain common spaces in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:

(a) provide working locks on all tenant suites that are operable from inside without requiring keys or specialized knowledge; and

(b) not permit the use of any shared bathroom or shared kitchen for laundry.

Life Safety Provisions

28F. (1) Every mini-suite shall be separated from the remainder of the floor area with a fire separation including a solid core door with a self-closing device and positive latching mechanism acceptable to the Inspector.

(2) Every floor level containing mini-suites shall be served by at least one (1) exit or acceptable means of emergency egress.

(3) All floor assemblies shall be constructed as fire separations.

(4) At least one copy of the fire safety floor plan shall be prominently posted on each floor as approved by the Inspector.

Bathrooms

28G. (1) Every shared bathroom or toilet room shall be fully enclosed and provided with a door equipped with a locking device and latch.

(2) Where a bathroom or toilet room is shared by occupants an entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.

(3) At least one bathroom must be provided for every six occupants or less.

Electrical

28H. Every habitable room in a building shall have at least two duplex receptacles.

Smoke and Carbon Monoxide Alarms

28I. (1) All mini-suites and common areas serving mini-suites shall be equipped with smoke alarms conforming to this section.

(2) Buildings equipped with a fire alarm system are exempt, provided the system includes heat or smoke detection.

(3) A smoke alarm shall be located:

(a) on each storey including the basement level;

(b) in every kitchen, service room, and laundry room;

(c) in each sleeping room; and

(d) in a location between the sleeping rooms and the remainder of the mini-suite, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.

(4) Where more than one smoke alarm is required within a mini-suite, the smoke alarms within the suite shall be interconnected so that the activation of one alarm will cause all alarms within the mini-suite to sound.

- (5) Where more than one smoke alarm is required in common spaces serving mini-suites, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the common spaces to sound.
- (6) Interconnection of smoke alarms may be either wireless or wired.
- (7) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
- (8) Smoke alarms shall have no disconnect switch between the fuse or breaker and the device.
- (9) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (10) All mini-suites shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (11) Where a fuel-burning appliance is installed in a mini-suite, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) Where a fuel-burning appliance is installed in a service room that is not in a mini-suite, a CO alarm shall be installed:
 - (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways;
 - (b) in every mini-suite that shares a wall, floor or ceiling assembly with the service room; and
 - (c) in the service room.
- (13) For each mini-suite that shares a wall, floor or ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (14) All CO alarms required in this section shall conform to CAN/CSA 6.19.

16. Repealing sections 29, 30 and 31.

17. Amending section 32 by repealing subsection (4).

18. Amending section 33 by:

- (i) striking out the words "The refusal by the License Administrator to grant a license may be appealed by the applicant for the license to the Appeals Committee within seven (7) days of being served with a notice of the refusal" in subsection (1);

- (ii) adding the words “An owner may appeal an Order to Comply to the Appeals Committee within four days after the Order to Comply is served” in subsection (1); and
 - (iii) repealing subsection (2).
19. Amending section 34 by striking out the words “pursuant to subsection 32(4) or subsections 33(1) and (2)” after the word “appeal’ and before the word “shall”.
20. Amending section 35 by:
- (i) striking out the words “on which the license is to be suspended or revoked, or the date” after the word “date” and before the words “the work”; and
 - (ii) striking out the words “suspension, revocation or” after the word “the” and before the word “Order”.
21. Amending section 36 by striking out the words “License Administrator or” in clauses (b) and (c).
22. Amending section 40 by:
- (i) repealing subsection (1);
 - (ii) adding the following new subsection after the newly repealed subsection (1) and immediately before subsection (2):
 - (1a) A person who
 - (a) violates a provision of this By-law or of an Order issued in accordance with this By-law;
 - (b) fails to do anything required by this By-law or an Order issued in accordance with this By-law;
 - (c) permits anything to be done in violation of this By-law or of an Order issued in accordance with this By-law; or
 - (d) obstructs or hinders any person in the performance of their duties under this By-law or under any Order issued in accordance with this By-law,
 is guilty of an offence.
 - (iii) striking out the words “violates or fails to comply with any of the provisions of” after the word “who” and before the word “this” in subsection (2);
 - (v) adding the words “commits an offence under” after the word “who” and before the word “this” in subsection (2);
 - (vi) striking out the words “One Hundred Dollars (\$100) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding two (2) months’ at the end of subsection (2);
 - (vi) adding the following clauses to section (2):

APPENDIX C
(Showing Proposed Changes)

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15

Respecting License, Permit and Processing Fees

22.

By-law	Short Title	Section	Fee
A-600	<i>Advertising on Provincial Highways By-law</i>		
		9(1) Application for initial license	\$200
		9(2) Application for license renewal	\$50
By-law #	Short Title	Details	Fee
By-law M-200	<i>Residential Standards By-law</i>		
		Rooming House License Fee.	\$100 per New License
		Rooming House License Renewal Fee.	\$100 per License Renewal

**APPENDIX D
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15
RESPECTING LICENSE, PERMIT AND PROCESSING FEES**

BE IT ENACTED by the Council of Halifax Regional Municipality that Administrative Order 15 the License, Permits and Processing Fees Administrative Order, is further amended as follows:

1. amend Table 22 by striking out the following lines in the table:

By-law #	Short Title	Details	Fee
By-law M-200	<i>Residential Standards By-law</i>		
		Rooming House License Fee.	\$100 per New License
		Rooming House License Renewal Fee.	\$100 per License Renewal

Done and passed in Council this day of , 2020.

MAYOR

MUNICIPAL CLERK

I, Phoebe Rai, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on , 2020.

Phoebe Rai
A/Municipal Clerk