

**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 - (b) repealed;
 - (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 by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - (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) repealed;

(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) repealed;

(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;

(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, they shall 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 RENTAL HOUSING

General Provisions

21. (1) This part shall not relieve any owner of rental housing from compliance with the provisions in Parts 1, 2, 3 and 6 of this By-law or any other applicable legislation.
- (2) Repealed.

Life Safety Provisions

22. (1) 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. (1) 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.
- (2) 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. Repealed.

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;

(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 building.

(2) Repealed.

(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. Repealed.

Additional Provisions

28. Repealed.

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. Repealed.

Licensing Requirements

30. Repealed.

31. Repealed.

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) Repealed.

(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) An owner may appeal an Order to Comply to the Appeals Committee within four days after the Order to Comply is served.

(2) Repealed.

34. An appeal 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 the work is to be completed according to the Order to Comply, the 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 Inspector; or
 - (c) make any decision the 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) Repealed.
 - (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 commits an offence under this By-law shall be liable, upon summary conviction, to a penalty of not less than

(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) Repealed.

(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.

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, Sherryll 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.

Sherryll 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

Amendment #1 (By-law M-201)

Notice of Motion:	September 22, 2020
First Reading:	September 30, 2020
Notice of Second Reading Publication:	October 24, 2020
Second Reading:	November 10, 2020
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	November 14, 2020
