

**ONTARIO
CITY OF OWEN SOUND
PROPERTY STANDARDS COMMITTEE
APPEAL**

BETWEEN:

KEPLER REAL ESTATE INC

Appellant/Applicant

and

CITY OF OWEN SOUND

Respondent/Appellant

APPEAL BRIEF OF THE RESPONDENT/CITY OF OWEN SOUND

Jacqueline Armstrong (LSO #P11318)
SV Paralegal Professional Corporation
Suite 4B - 325 Lambton St.
Kincardine, ON N2Z 0E3

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Phone: (226) 396-5100

Prosecution for the City of Owen Sound

TO: Kepler Real Estate Inc.
43363 Sparta Line
St. Thomas, ON N5P 3S8

Email: admin@keplerresidences.com

Tel: (519) 377-5936

Self-represented Appellant

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1.

TAB 1



Property Standards Committee Notice of Appeal

Property and Owner Information

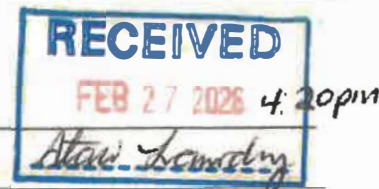
Location: 235 8th Street East, Owen Sound, ON N4K 1L2

Owner: Kepler Real Estate Inc

Mailing Address (if different from location): 43363 Sparta Line St. Thomas, ON N5P3S8

Phone Number: 519-377-5936

Email Address: admin@keplerresidences.com



Order Information

Issue Date: February 12, 2026

Deadline for Appeal Date: 03/03/2026

Compliance Date: 04/21/2026

Order Number: #OSBY-2026-0076

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St. Thomas, ON N5P 3S8

Phone Number: 519-377-5936

Email Address: admin@keplerresidences.com

Preferred Method of Service:

Mail

Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Preferred Method of Service:

Mail

Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

The Appellant appeals Order OSBY-2026-0076 in its entirety based on the following:
 2.5.8.1 has not been violated, as bedbugs are not injurious insects.
 The order clearly and distinctly fails to claim that 2.5.8.2 has been violated, and does not allege that an infestation is occurring. References to this section and to an infestation are wholly omitted from the "Description of Violation" and "Work Required to Comply" sections. As a result, the order truly alleges a violation of 2.5.8.1 only, not 2.5.8.2.
 The Order was issued without the mandatory physical inspection required by the Building Code Act (Violation of BCA Section 15.2). The City has failed/refused to confirm attendance at the property despite multiple demands.
 The Order ignores a professional Orkin report from Jan 9, 2026, which cleared the building, relying instead on unverified third-party hearsay. Requiring a building-wide sweep (including diagonal units/hallways) without evidence of infestation or a single complaint from other residents is unreasonable and punitive.
 The City has ignored a formal Demand for Particulars for 13 or more days, obstructing the Appellant's right to a fair defense.
 We reserve the right to provide further particulars and evidence prior to the hearing. We seek a full rescission of the Order and waiver of all associated fees (\$420.00 total).

Hearing

In Person Hearing
 Electronic Hearing
 Closed Hearing

If you selected an electronic hearing or a closed hearing, please provide the rationale for your request. For a closed hearing, please describe how your rationale meets the test of matters involving public security or intimate financial or personal matters (attach additional pages if necessary).

We could accommodate the city's need for an in-person hearing if required. The Landlord & Tenant Board, Ontario Superior Court, and various other courts and tribunals have migrated to a digital-first approach in 2026.

Additional Information

Attach the following documents with your Notice of Appeal form:

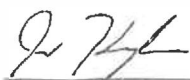
- Order related to the appeal.
- Property standards appeal fee, as set out in the City of Owen Sound's Fees and Charges By-law. This fee is non-refundable. (The by-law can be found on the City's By-laws and Policies webpage at www.owensound.ca/by-laws).
- An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

02/26/2026

Name

Date



Signature

Personal information on this form is collected under the authority of the *Building Code Act, 1992*. The information collected will be used for the appeal process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk, at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.

TAB 2

Take notice that an appeal hearing has been scheduled by the City of Owen Sound regarding an Order to comply with Property Standards By-law No. 1999-030, as amended, under the *Building Code Act*, 1992, S.O. 1992, c. 23 for the subject property known municipally as 235 8th Street East.

The Appellant, Kepler Real Estate Inc., is seeking review and consideration from the Property Standards Committee regarding Order Number OSBY-2026-0076, attached as Schedule 'A'. The Appellant's Notice of Appeal is attached as Schedule 'B'.

The Property Standards Committee for the City of Owen Sound will consider this appeal through an electronic hearing on **April 7, 2026 at 3:00 p.m.** in the Council Chambers of City Hall, located at 808 2nd Avenue East, Owen Sound.

If the Appellant or Appellant's Representative does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one (1) copy of the documents (referred to as the disclosure package) to the Secretary no later than **March 24, 2026**. As per Section 36 of the Property Standards Committee Procedure, "document" includes any report, memorandum, witness list, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

The Secretary will provide the disclosure packages to all Parties no later than **March 26, 2026**.

If the video or audio for the Appellant or Appellant's Representative, malfunction during the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

A Party may, by satisfying the Committee that holding the Hearing as an electronic hearing is likely to cause the Party significant prejudice, require the Committee to hold the Hearing as an "in person" hearing and must provide the rationale for the request.

Please be advised that this hearing is a formal process where parties involved will be given an opportunity to present oral, written, or visual evidence related to the matter. Questions of clarification may be asked by the Appellant, the City, or the Committee. Those parties providing evidence will be sworn in or affirmed before they do so. The process for this hearing must comply with the Property Standards Committee Procedure and, as necessary, the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22. A copy of the Property Standards Committee Procedure is available on the City of Owen Sound's website at www.owensound.ca.

The Hearing will be open to the public and as such, may be viewed in person in Council Chambers or on the City's Council and Committees webpage at owensound.ca/meetings.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Secretary of the Property Standards Committee using the contact information listed below.

All information disclosed will become part of the decision-making process of the appeal and will be posted on the City's website. Personal information is collected under the authority of the *Building Code Act*, 1992 and will become part of the public record. Questions about this collection should be addressed to the Secretary of the Property Standards Committee.

Notice Date: March 5, 2026

Staci Landry
Secretary of the Property Standards Committee
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Email: clerks@owensound.ca

Property Standards Order

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
43363 SPARTA LINE
ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
LEGAL DESCRIPTION: PLAN OWEN SOUND PT
LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply ⁰¹¹
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21


NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

Notice of Appeal



Property Standards Committee Notice of Appeal

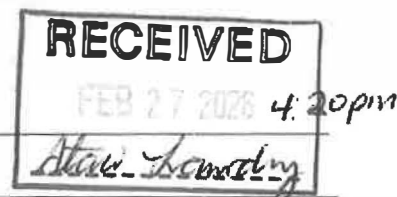
Property and Owner Information

Location: 235 8th Street East, Owen Sound, ON N4K 1L2

Owner: Kepler Real Estate Inc

Mailing Address (if different from location): 43363 Sparta Line St. Thomas, ON N5P3S8

Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com



Order Information

Issue Date: February 12, 2026 Deadline for Appeal Date: 03/03/2026

Compliance Date: 04/21/2026 Order Number: #OSBY-2026-0076

Appellant Information

Name: Kepler Real Estate Inc

Mailing Address: 43363 Sparta Line, St. Thomas, ON N5P 3S8

Phone Number: 519-377-5936 Email Address: admin@keplerresidences.com

Preferred Method of Service: Mail Email

Representative Information (if applicable)

Representative Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Preferred Method of Service: Mail Email

Grounds and/or Reasons for Appeal

State the grounds and/or reasons for the appeal, including any supporting documents and photographs (attach additional pages if necessary):

The Appellant appeals Order OSBY-2026-0076 in its entirety based on the following:
 2.5.8.1 has not been violated, as bedbugs are not injurious insects.
 The order clearly and distinctly fails to claim that 2.5.8.2 has been violated, and does not allege that an infestation is occurring. References to this section and to an infestation are wholly omitted from the "Description of Violation" and "Work Required to Comply" sections. As a result, the order truly alleges a violation of 2.5.8.1 only, not 2.5.8.2.
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 The Order ignores a professional Orkin report from Jan 9, 2026, which cleared the building, relying instead on unverified third-party hearsay. Requiring a building-wide sweep (including diagonal units/hallways) without evidence of infestation or a single complaint from other residents is unreasonable and punitive.
 The City has ignored a formal Demand for Particulars for 13 or more days, obstructing the Appellant's right to a fair defense.
 We reserve the right to provide further particulars and evidence prior to the hearing. We seek a full rescission of the Order and waiver of all associated fees (\$420.00 total).

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In Person Hearing
 Electronic Hearing
 Closed Hearing

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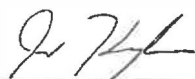
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- An authorization to act as representative for notice of appeal (if applicable).

Jonathan Kepler

02/26/2026

Name

Date



Signature

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TAB 3



City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
43363 SPARTA LINE
ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
LEGAL DESCRIPTION: PLAN OWEN SOUND PT
LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

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Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

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Property Standards Committee
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**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

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DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

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"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

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Item	Description of Violation	Work Required to Comply 018
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21

NOTE:

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Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

TAB 4

CASE PACKAGE

CASE INFORMATION

Case Number
OSBY-2026-0076

Category
Property

Additional Categories
Property Standards

Assigned Officer
Riley Bruggess, #708

Case Created Date
2026-01-27, 8:39:01 a.m. EST

Package Generation Date
2026-03-03, 10:11:22 a.m. EST

Case Description

Property Standards - Interior - Rental Property - Pests - Bedbugs

PLOT INFORMATION

Address
235 8TH ST E, Owen Sound

Property Information
4259030021041000000, PLAN
OWEN SOUND PT LOT 13 E;POULETT
ST AND RP 16R3669;PART 5

Additional Location Details

PARTIES

NAME/COMPANY	CONTACT DETAILS	ROLES
JERICO DODD	5, 235 8TH ST E OWEN SOUND [REDACTED]	Complainant
KEPLER REAL ESTATE INC	43363 SPARTA LINE ST. THOMAS +1 519-377-5936	Property owner

COMPLAINTS

Date: 2026-01-27, 8:38:00 a.m. EST

Complainant name: Robert Reid, Public Health Inspector

Description from the complaint: This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord. The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner. Thank you for your cooperation. Robert

Received via: Email

ADDITIONAL COMPLAINT CATEGORIES

Categories: Property Standards

Filename: Re Bedbugs at 235 8th Street East, Owen Sound N4K 1L2.pdf
Media type: application/pdf
Uploaded by: Riley Bruggess, #708
Uploaded on: 2026-03-03, 10:07:28 a.m. EST
Description: Emails - Property Owner



Outlook

Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

From Customer Service <admin@keplerresidences.com>

Date Tue 2/17/2026 12:07 PM

To Riley Brugess <rbrugess@owensound.ca>

Cc Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgreybruce.on.ca>

External sender <admin@keplerresidences.com>

Make sure you trust this sender before taking any actions.

Good afternoon,

We understand you may have a volume of email to process after the long weekend. My manager asked me to recirculate the below to ensure it is at back up to the top of your inbox.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 1:02 PM Customer Service <admin@keplerresidences.com> wrote:

Good afternoon,

Pursuant to the principles of procedural fairness and the mandatory requirements of Section 15.2(2) of the Building Code Act, S.O. 1992, c. 23, Kepler Real Estate Inc. hereby demands the following particulars regarding the "inspection" cited in the Order issued on February 12, 2026.

The Order states that "it has been established by inspection" that the property does not conform to City By-law 1999-030. To ensure a fair hearing before the Property Standards Committee and to finalize our filing with the Ontario Ombudsman, please provide the following information by February 20, 2026:

1. Verification of Physical Entry: Please confirm whether the Officer physically entered the interior of Unit #5 at 235 8th St E to establish the alleged non-conformity.

2. Inspection Logistics: If a physical entry occurred, please provide the exact time of entry and the duration of the inspection conducted on February 11, 2026.
3. Nature of Evidence: Please clarify if the "live samples" referenced in the Order were observed *in-situ* (in their natural location) by the Officer during a physical inspection of the premises, or if the Officer relied on samples provided by a third party (the tenant) outside of the rental unit.
4. Scientific/Professional Basis: Please provide the professional or technical criteria used by the Officer to determine that a provided "sample" constitutes an "infestation" as defined in Section 2.5.8.2 of the By-law, particularly given the negative professional finding by a licensed pest control provider on January 9, 2026.
5. Scope of Order Justification: Provide the evidentiary basis or documented complaints from other building residents that justify the requirement for inspections of "diagonal" units and common hallways.

Please be advised that the \$220.00 processing fee is formally disputed. It is our position that the Order is procedurally defective as no lawful inspection of the real property was conducted to establish a finding of non-conformity.

Failure to provide the requested particulars by the date specified will be interpreted as an admission that no physical inspection of the interior of the property occurred, and that the Order was issued solely upon unverified third-party hearsay.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 12:54 PM Customer Service <admin@keplerresidences.com> wrote:

Good afternoon,

That was an even more deficient response than we anticipated. Your conduct brazenly violates longstanding city policies and procedures, and a cursory 30 second search finds on a prima facie basis one or more ways this is not wholly in accordance with the Building Code Act either.

Your false statements are purposeful, not inadvertent. Expect an appeal, and expect to be held accountable for your misconduct.

Send all evidence to this email address as soon as you receive this message.

--

CUSTOMER SERVICE TEAMadmin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.www.KeplerResidences.com

Note that any open support tickets may automatically close after 10 days. Please follow up with us within 10 days to keep your open ticket active.

On Fri, Feb 13, 2026 at 11:52 AM Riley Brugess <rbrugess@owensound.ca> wrote:

This order was issued in accordance with the by-laws, policies, and procedures of the City, and in accordance with the Building Code Act, and the Municipal Act.

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)**Disclaimer**

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From: Customer Service <admin@keplerresidences.com>

Sent: Friday, February 13, 2026 8:00 AM

To: Riley Brugess <rbrugess@owensound.ca>

Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgrevbruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Good morning Riley,

Your email is suspiciously absent of most of the usual claims and statements that would ordinarily be made by the city in these circumstances. It seems you failed to attend the property, failed to complete an inspection, failed to provide us with any evidence whatsoever of a violation, and that Rob Reid did not attend the property or complete an inspection either. Please reconfirm in writing that you believe you are in an appropriate position to write this order at this time, and that you hold the good-faith belief that your actions do not violate established policies and procedures set upon you and enforced by your workplace superior.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

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www.KeplerResidences.com

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On Thu, Feb 12, 2026 at 10:43 AM Riley Brugess <rbrugess@owensound.ca> wrote:

Good morning,

Please be advised that live bedbugs were found in Unit #5 on February 11, 2026.

Attached you will find a Property Standards Order. The order must be complied with no later than **April 21, 2026**.

In the event that factors outside of your control require a reasonable extension to this timeline, let me know prior to the compliance date, advising of the reason for the need for an extension, the date with which you are requesting an extension, and providing any evidence of the factor being outside of your control.

Additionally attached you will find an invoice, as well as a Notice of Appeal form. The invoice must be paid no later than March 12, 2026. If the invoice remains unpaid after that date, the amount of the invoice will be added to the tax roll of the property, and collected in the same manner as property taxes. Further information regarding the appeal process is available at owensound.ca/living-here/by-law-enforcement/property-standards-appeals/. The final date for giving notice of Appeal is March 3, 2026.

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
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From: Riley Brugess <rbrugess@owensound.ca>

Sent: Wednesday, February 4, 2026 2:14 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Rob Reid <R.Reid@publichealthgreybruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon,

Thank you for sending a copy of the inspection/treatment report. As you will note in the initial email sent to you by Grey Bruce Public health, the bedbug samples were found on January 20th, which is after the inspection by Orkin (completed on January 9th).

However, at this time, the resident has been advised to continue monitoring the unit. Should any more bedbugs be found, further inspection and treatment by a pest control company will be required. I would encourage you to proactively monitor and control bedbugs, using methods such as the ones listed on your contractors website under "Commercial Bed Bug Control".

Regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
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From: Customer Service <admin@keplerresidences.com>
Sent: Monday, February 2, 2026 1:22 PM
To: Riley Brugess <rbrugess@owensound.ca>
Cc: Briana Bloomfield <bbloomfield@owensound.ca>; Robert Reid <R_Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

External sender <admin@keplerresidences.com>

Make sure you trust this sender before taking any actions.

Dear Riley,

We are in receipt of your request for an eradication plan for 235 8th Street East. Please find the attached Orkin Service Report #24998181 dated January 9, 2026, which serves as our official professional record for this matter.

On January 9, 2026, a licensed Orkin technician conducted a thorough inspection of the subject unit. The findings were as follows:

- Zero Live Activity: The technician explicitly stated: "At the time of service inspection did not find any activity".
- Attestation of Facts: The resident was present for the inspection and signed the report, formally attesting to the technician's findings.
- Source Discrepancy: The only physical evidence produced were three adult bedbugs the resident claimed were found three weeks prior to the inspection. No nymphs, eggs, or fresh activity were found to suggest an ongoing or migrating infestation.
- Proactive Treatment: Despite the lack of live activity, we proactively authorized a "Crack and Crevice" application of OnGuard Bed Bug Killer (PCP #31515) to ensure a residual barrier.
- Scope of Work: Based on the professional finding of zero live activity by a licensed expert, there are no reasonable or probable grounds to suggest a building-wide issue. We will not be conducting speculative, building-wide inspections of the surrounding units or commercial spaces. Such a request is invasive, costly, and unsupported by the physical evidence verified on-site. Any new claims by the resident follow proper clearance of the premises by a professional, and are currently being addressed via the appropriate Form N5 under the Residential Tenancies Act issued to the tenant for interfering with our lawful rights and interests.

Be advised that all future inquiries regarding maintenance, pest control, or property standards for Kepler Residences, Kepler Real Estate Inc., and all other associated corporations must be directed solely to our management office. Our third-party contractors are not authorized representatives of the landlord for the purpose of municipal inquiries. We are aware that you have previously contacted our private contractors directly regarding other properties, an interference that nearly caused the termination of a critical business relationship (and for which we are told by the contractor you subsequently personally apologized for). Any further unauthorized contact with our contractors will be documented and included in a formal grievance to the Ombudsman. Contacting any of our third party contractors without explicit, written authorization represents gross negligence. If you are grossly negligent in this regard, your employer will not indemnify you, and we would sue you personally for recovery of associated financial losses.

We consider the property to be in compliance with Property Standards based on the attached professional findings.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

On Tue, Jan 27, 2026 at 10:27 AM Riley Brugess <rbrugess@owensound.ca> wrote:

Good morning,

Kepler Residences Customer Service Team: Please provide myself and the GBHU Inspector, **no later than February 2, 2026**, a response indicating your plan to eradicate bedbugs from the subject property. The plan must include:

- Scheduled date and time for work to be completed
- Name of contractor that will be completing the work
- Product type and application methods
- Scope of work (where product will be placed - must include areas inside the unit and common areas).
- Any follow up/secondary application appointments (date and time).

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

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From: Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Sent: Monday, January 26, 2026 4:12 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Riley Brugess <rbrugess@owensound.ca>; [REDACTED]

Subject: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual sender <r.reid@publichealthgreybruce.on.ca>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord.

The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner.

Thank you for your cooperation.

Robert



Robert Reid [B.A.Sc.](mailto:r.reid@publichealthgreybruce.on.ca), CIPHI

Public Health Inspector

Grey Bruce Public Health

101 17th Street East

Owen Sound, ON, N4k 0A5

519-376-9420 ext.1355

r.reid@publichealthgreybruce.on.ca

Please note that the privacy and security of email communication cannot be guaranteed. Please refrain from using email messages to send personal information.

Vision: A healthier future for all.

Mission: Working with Grey Bruce communities to protect and promote health.

Core Values: Respect, Integrity, Transparency and Excellence

Land Acknowledgment: Grey Bruce Health Unit (GBHU) is situated on the traditional territory of the Nawash and Saugeen Nations, a place that has long served as a site of meeting and exchange amongst many First Nations including the Iroquois Confederacy, Huron/Wendat, Abenaki, and Anishinabek.

GBHU recognizes and respects the Anishinabek as the traditional custodians of the lands and water. We are committed to supporting the Anishinabek

and Haudenosaunee Peoples, among other First Nations, Inuit, Métis, and Indigenous Peoples globally.

This email, including any following pages is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient, or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, without making a copy. Thank you.

Filename: ORKIN CANADA CORPORATION Service Report 24998181 (1)
(1).pdf
Media type: application/pdf
Uploaded by: Riley Brugess, #708
Uploaded on: 2026-02-12, 9:26:13 a.m. EST
Description: Orkin Report - January 9th



SERVICE REPORT

034

CONTACT ORKIN CANADA CORPORATION:

(705) 734-9477
016-BARRIE
4 ALLIANCE BLVD
Unit 12
BARRIE, ON L4M 7G3

CUSTOMER INFORMATION

Business Name KEPLER REAL ESTATE INC
Customer Since 2025
SERVICE ADDRESS
Name ALICIA GILLESPIE
Address 235 8TH ST E
OWEN SOUND, ON N4K 1L2
Telephone [REDACTED]
Account # [REDACTED]
Program ID 1640037

SERVICE INFORMATION

Date of Service 1/9/2026
Service Type PC Standard - Odd Job
Service Event Type PC Odd Job 1st Service
Time In 11:03 AM **Time Out** 12:05 PM

INVOICE INFORMATION

Invoice / Service Report # 249 [REDACTED]

BILLING ADDRESS

Name ALICIA GILLESPIE
Address 43363 SPARTA LINE
ST THOMAS, ON N5P 3S8
Telephone [REDACTED]
Email Address [REDACTED]



TECHNICIAN NAME
JAMES GRAHAM
LICENSE # L-206-1117733331

COMMENTS ABOUT TODAY'S SERVICE

At the time of service inspection did not find any activity. Tenant showed me three bedbugs that were found about three weeks ago. I dusted cracks and crevices.

TODAY'S OBSERVATIONS

Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing
Responsibility: Customer
Status: Pending (Customer resolution needed)

Location: Hole in ground in front of garage
Observation: Structural Concern
Pest Type:
Recommendation: Crack/gap in wall that requires sealing (Backfill hole and seal any remaining gaps)
Responsibility: Customer
Status: Resolved

PRODUCT DETAILS

For additional information, a copy of the Label and/or SDS may be requested from your local branch or from [http:// www.orkincanada.ca](http://www.orkincanada.ca).

Product Name ONGUARD BED BUG KILLER PCP #31515	Quantity 1	Active Ingredient D-Phenothrin/Tetramethrin, .2%	Target Pests Bed Bug
Formulation Aerosol/Aérosol	PCP # 31515	Application Method Crack and Crevice	Location Interior - Perimeter
Application Rate D-Phenothrin 0.20% and Tetramethrin 0.20%	Lot Number	Application Equipment Power Duster	



Technician's Signature



Customer's Signature
ALICIA GILLESPIE

If you would prefer to not have photos included on future service reports, contact your local branch.

ADDITIONAL DETAILS

WAS THERE EXTERIOR USE OF INSECTICIDE / HERBICIDE / FUNGICIDE / MITICIDE?
NO

Filename: Re Tenant Bedbugs at 235 8th Street East, Owen Sound N4K 1L2.pdf
Media type: application/pdf
Uploaded by: Riley Brugess, #708
Uploaded on: 2026-03-03, 10:07:44 a.m. EST
Description: Emails - Tenant



Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

From Riley Brugess <rbrugess@owensound.ca>

Date Tue 2/17/2026 8:00 AM

To Jerico Dodd [REDACTED]

Good morning Jerico,

I apologize if the City's response is not in line with your expectations. We are required to follow provincial law when dealing with these concerns, which include issuing an order to the owner of the property.

Kind regards,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4
519-376-4440 ext. 1270
rbrugess@owensound.ca
www.owensound.ca
www.owensound.ca/living-here/by-law-enforcement/

[Report a By-law Concern](#)



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From: Jerico Dodd [REDACTED]

Sent: Friday, February 13, 2026 6:15 PM

To: Riley Brugess <rbrugess@owensound.ca>

Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

This has been going on since November of last year! I'm really not happy with this.

Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>
Sent: Thursday, February 12, 2026 1:41:32 PM
To: Jerico Dodd [REDACTED]
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon Jerico,

Please be advised that an order was issued to have pest control completed on the property. I will keep you updated on the status.

Thanks,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

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notify the sender immediately advising of the error and delete the message without making a copy. Thank you.

From: Jerico Dodd [REDACTED]
Sent: Wednesday, February 11, 2026 7:33 PM
To: Riley Brugess <rbrugess@owensound.ca>
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Yeah, so I'm still finding these little bastards and I'm still getting bit!
I thought this treatment was supposed to be killing them!
Not happy with this!
Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>
Sent: Wednesday, February 4, 2026 2:05:11 PM
To: Jerico Dodd [REDACTED]
Cc: Robert Reid <R.Reid@publichealthgreybruce.on.ca>
Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good afternoon Jerico,

I can confirm that we did receive correspondence from Kepler Residences, providing an inspection and treatment report from Orkin Pest Control dated January 9th. The treatment completed should continue to kill any bugs that show up.

At this time, please continue to monitor for recurring issues. If you continue to see issues, please let myself and inspector Reid know. A photo of a dead sample sent by email will be sufficient.

Thank you,

Riley Brugess, C.P.S.O.
By-law Enforcement Officer #708
Corporate Services Department

City of Owen Sound
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From: Customer Service <admin@keplerresidences.com>

Sent: Monday, February 2, 2026 8:12 PM

To: Jerico Dodd [REDACTED]

Cc: Riley Bruggess <rbruggess@owensound.ca>; Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Warning: Unusual link

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Hello,

There was, in fact, something back from us today. We used our discretion and omitted you as a CCed party. We will deliver details of our position, and the actions/prohibitions your government may correspondingly require of you, via one or more forthcoming legal notices.

--

CUSTOMER SERVICE TEAM

admin@keplerresidences.com

Thank you for your message.

It is our goal to respond to incoming emails within 24-48 hours.

KEPLER REAL ESTATE INC.

www.KeplerResidences.com

On Mon, Feb 2, 2026 at 2:38 PM Jerico Dodd [REDACTED] wrote:

Still nothing from Kepler!

Get [Outlook for Android](#)

From: Riley Brugess <rbrugess@owensound.ca>

Sent: Tuesday, January 27, 2026 10:27:12 AM

To: Robert Reid <R.Reid@publichealthgreybruce.on.ca>; Customer Service <admin@keplerresidences.com>

Cc: [REDACTED]

Subject: Re: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

Good morning,

Kepler Residences Customer Service Team: Please provide myself and the GBHU Inspector, **no later than February 2, 2026**, a response indicating your plan to eradicate bedbugs from the subject property. The plan must include:

- Scheduled date and time for work to be completed
- Name of contractor that will be completing the work
- Product type and application methods
- Scope of work (where product will be placed - must include areas inside the unit and common areas).
- Any follow up/secondary application appointments (date and time).

Thank you,

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By-law Enforcement Officer #708
Corporate Services Department

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From: Robert Reid <R.Reid@publichealthgreybruce.on.ca>

Sent: Monday, January 26, 2026 4:12 PM

To: Customer Service <admin@keplerresidences.com>

Cc: Riley Brugess <rbrugess@owensound.ca>

Subject: Bedbugs at 235 8th Street East, Owen Sound N4K 1L2

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This email is to inform you that a sample of bedbugs brought to the Grey Bruce Health Unit today by a resident of 235 8th Street East in Owen Sound has been positively identified as bedbugs. The resident had informed the landlord last year and a pest control representative provided a quick treatment and informed the resident that his unit was not the source of the bedbugs. The resident found more evidence of bedbugs on January 20, 2026 and informed the landlord.

The Grey Bruce Health Unit requests that the landlord provide GBHU and Owen Sound By-Law with a plan to eradicate these pests from this apartment building in a timely manner.

Thank you for your cooperation.

Robert



Robert Reid [B.A.Sc.](mailto:r.reid@publichealthgreybruce.on.ca), CIPHI

Public Health Inspector

Grey Bruce Public Health

101 17th Street East

Owen Sound, ON, N4k 0A5

519-376-9420 ext.1355

r.reid@publichealthgreybruce.on.ca

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Owen Sound
Municipal Law Enforcement
City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

INSPECTION REPORT

Case number: OSBY-2026-0076

Municipal address: 233 8TH ST E

Legal PLAN OWEN SOUND PT LOT 13
address: E;POULETT ST AND RP 16R3669;PART 5

Case Status: Completed

Case description:

Property Standards - Interior - Rental Property - Pests - Bedbugs

Parties

No parties added to case

Violations

No deficiencies or remarks noted.

Inspections

SITE CONDITIONS

Inspector: Riley Brugess, #708

Visit date: 2026-02-04

Visit time: 2:15 p.m.

Visit result: Passed (Substantially complete)

Failure reason: No violation and No action required

Inspection Notes:

Property owner submitted contractor reports of work completed.

Photographs



Owen Sound
Municipal Law Enforcement
City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

INSPECTION REPORT

Case number: OSBY-2026-0076

Municipal address: 235 8TH ST E

Legal PLAN OWEN SOUND PT LOT 13
address: E;POULETT ST AND RP 16R3669;PART 5

Case Status: Active

Case description:

Property Standards - Interior - Rental Property - Pests - Bedbugs

Parties

NAME AND COMPANY	CONTACT DETAILS	ROLES
JERICO DODD	5, 235 8TH ST E, OWEN SOUND [REDACTED]	Complainant
KEPLER REAL ESTATE INC	43363 SPARTA LINE, ST. THOMAS +1 519-377-5936	Property owner

Violations

DISCOVERY DATE	COMPLY BY DATE	DESCRIPTION
2026-02-11	-	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]

Inspections

Inspector: Riley Brugess, #708

Visit date: 2026-02-12

Visit time: 9:26 a.m.

Visit result: Failed (Not substantially complete)

Failure reason: Violations

Inspection Notes:

Received follow up email from the complainant, stating that the complainant continued to see bed bugs in the property, and including photos, dated February 11, 2026 at 7:29 PM.

Photographs

Upload Date:

Photo Description:

2026-02-12
9:28 a.m.

February 11, 2026 @ 7:29PM - Photo submitted via email by complainant. Photo depicts what clearly appears to be bedbugs in the palm of a hand.



Upload Date:

Photo Description:

2026-02-12
9:28 a.m.

February 11, 2026 @ 7:28PM - Photo submitted via email by complainant. Photo depicts what appears to be bite marks from a bedbug(s).





City of Owen Sound
By-law Enforcement Division
808 2nd Avenue East
Owen Sound, ON, N4K 2H4
Phone: 519-376-4440 ext. 1905
Email : enforcement@owensound.ca

Date Issued: 2026-02-12

ORDER

KEPLER REAL ESTATE INC
43363 SPARTA LINE
ST. THOMAS, ON N5P 3S8

MUNICIPAL ADDRESS: 235 8TH ST E
LEGAL DESCRIPTION: PLAN OWEN SOUND PT
LOT 13 E;POULETT ST AND RP 16R3669;PART 5

CASE #OSBY-2026-0076

IT IS AN OFFENCE TO OBSTRUCT/REMOVE POSTED ORDER WITHOUT AUTHORIZATION

It has been established by inspection that the property municipally known as **235 8TH ST E**, City of Owen Sound, does not conform to the standards set out in the City's Property Standards By-law No. 1999-030, as amended. The particulars of the non-conformity are set out in Appendix "A" attached to this Order.

Attached is a **\$220.00** invoice for processing the Order. If payment is not made within thirty (30) days, the costs will be levied against the property and shall be recoverable as municipal taxes. This charge is being levied as the result of the preparation and mailing of the Property Standards Order as authorized by the City's Fees and Charges By-law.

IT IS HEREBY ORDERED THAT all deficiencies as contained herein be brought into compliance with the Property Standards By-law 1999-030, as amended, no later than **2026-04-21**.

TAKE NOTICE THAT if the repairs or clearance are not completed within the time specified herein, the Corporation may, in addition to any other action permitted by law, carry out the repairs or clearance at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE:

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a Notice of Appeal form along with the applicable **\$200.00** fee (documents attached) by attending City Hall in person or serving it by registered mail to:

Secretary, Staci Landry
Property Standards Committee
City Hall, 808 2nd Avenue East
Owen Sound, ON N4K 2H4

within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed. The final date for giving Notice of Appeal from the Order is **2026-03-03**.

**APPENDIX "A" - WORK REQUIRED TO COMPLY
PROPERTY STANDARDS - ORDER TO OWNER**

Pursuant to Section 15.2(2) of the *Building Code Act, S.O. 1992, C23*, as amended
By-law No. 1999-030, as amended

DATE: 2026-02-12

OWNER: KEPLER REAL ESTATE INC

PROPERTY: 235 8TH ST E

LEGAL DESCRIPTION: PLAN OWEN SOUND PT LOT 13 E;POULETT ST AND RP
16R3669;PART 5

INSPECTOR: RILEY BRUGESS, #708

NOTED VIOLATIONS:

A full consolidated copy of the City's Property Standards By-law No. 1999-030, as amended, is available on the City's Website. The following is a direct quote from the by-law and is to be adhered to:

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.

2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall advise the Owen Sound Fire Department prior to commencement of the fumigation.

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

WORK REQUIRED TO COMPLY:

The following chart outlines the violations noted and the work required to comply with the by-law. All of the following deficiencies must be completed on or before the compliance date listed below:

Item	Description of Violation	Work Required to Comply
1	Property is not kept free from injurious insects, namely bedbugs. Live samples were found in Unit #5 on February 11, 2026. [By-law 1999-030, Section 2.5.8.1]	Inspection by a certified pest control company of Unit #5, as well as all units immediately above, below, beside, and diagonal to the subject unit, and the hallway adjacent to any such unit. Extermination conducted by the certified pest control company in any areas where bedbugs, nymphs, eggs, or any other evidence of bedbug activity is found. Any follow up treatments recommended by the pest control company to be completed to fully eradicate bedbug population in the building. Inspection/treatment report, signed by the technician, to be provided to

Item	Description of Violation	Work Required to Comply
		the Property Standards Officer for each visit completed by the certified pest control company.

Compliance Date: 2026-04-21

NOTE:

- Where a reinspection is conducted after the compliance date, and non-compliance is observed, a reinspection fee in the amount of \$150.00 will be applied to the tax roll of the property.
- The issuance of this order does not relieve the owner(s) from the necessity of acquiring any and all permits or approvals from the City of Owen Sound.
- Failure to comply with an order, direction, or other requirement made under the Building Code Act is an offence.
- Obstructing or removing a posted order without authorization to do so from an inspector or officer is an offence.
- A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
- In addition to any other action permitted by law, if the repairs or clearance are not completed within the time specified herein, the Corporation may carry out the repairs or clearance at the expense of the owner. Costs of such action may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added to the assessment roll and collected in the same manner and with the same priorities as municipal real taxes.

Order Issued By:

Riley Brugess, #708
Property Standards Officer
+1 519-376-4440 1270

Signature



Dated at Owen Sound, on 2026-02-12

TAB 5





TAB 6



BY-LAW NO. 1999-030

**"BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR
THE MAINTENANCE AND OCCUPANCY OF PROPERTY
WITHIN THE CITY OF OWEN SOUND"**

Originally Passed and Enacted March 1, 1999

Amended By By-law:	Passed On:
2008-050	April 28, 2008
2008-128	September 8, 2008
2009-023	February 9, 2009
2009-054	April 6, 2009
2011-116	July 4, 2011
2013-030	February 11, 2013
2018-044	April 9, 2018
2024-052	April 15, 2024

Consolidated Version

Revised April 16 2024

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

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BY-LAW NO. 1999-030**THE CORPORATION OF THE CITY OF OWEN SOUND****BEING A BY-LAW FOR PRESCRIBING STANDARDS
FOR THE MAINTENANCE AND OCCUPANCY OF
PROPERTY WITHIN THE CITY OF OWEN SOUND**

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Corporation of the City of Owen Sound includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the City of Owen Sound is desirous of passing a By-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a By-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS THE FOLLOWING:

PART 1 - INTERPRETATION AND ADMINISTRATION**SECTION 1.1 - SHORT TITLE**

1.1.1 This By-law may be cited as the City of Owen Sound Property Standards By-law.

SECTION 1.2 - DEFINITIONS

In this By-law:

"Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.

"Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

"Approved" means acceptance by the Property Standards Officer.

"Basement" means that portion of a building that is partly below grade, but which has at least one half of its height, from finished floor to finished ceiling, above the adjacent finished grade.

"Bathroom" means a room containing a bathtub or shower with or without toilet and basin.

"Cellar" means that portion of a building that is partly or wholly below grade and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

"City" means The Corporation of the City of Owen Sound.

"Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation

"Extermination" means the control and elimination of insects, termites, vermin, rodents or other pests by eliminating their harbouring places; by removing or making inaccessible or unpalatable materials that may serve as their food, by poison, spraying, fumigating, trapping or by any other recognised and appropriate means of pest elimination.

"Fence" means a structure at grade erected as a visual barrier or for the purpose of dividing or separating open space, or for restricting access to or from an open space.

"Fire Escape" means an exit or a secondary means of exit from a building.

"First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more the 1.8 metres above grade.

"Garbage" means the animal and vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food or drink.

"Good Repair" means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement.

"Habitable Room" means any room in a dwelling unit used for or capable of being used for living, eating, sleeping or cooking purposes.

"Medical Officer of Health" means the Medical Officer of Health for the Bruce-Grey-Owen Sound Health Unit.

"Multiple Dwelling" means a building or combination of buildings containing two or more dwelling units, or three or more rooming units, or a combination of rooming and dwelling units totalling three or more, and which building or buildings are located on the same lot and which lot is retained under one ownership, and shall include a lot registered under the provisions of the Condominium Act, Chapter C.26, R.S.O. 1990, as amended from time to time.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to a vertical travel between storeys and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premise appurtenant and all of the outbuildings, fences or erections thereon or therein.

"Officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.

"Person" means an individual, firm, corporation, association, or partnership.

"Residential Property" means any property upon which a building has been erected containing within its walls one or more dwelling units or rooming units and which may in addition contain other accessory uses, and includes a hotel, motel, tent, trailer, mobile home, or other structures, the whole or any portion or which has been used, is used, or is capable of being used for the purpose of human habitation.

"Rooming Unit" means one or more habitable rooms with shared sanitary, cooking or eating facilities, or with no cooking or eating facilities, which are rented or are capable of being rented to one or more persons for gain.

"Rubbish" means any combustible or non-combustible discarded or waste materials except garbage and shall include debris and other refuse.

"Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-law.

"Structurally Sound" means construction capable of withstanding the forces acting thereon when the building or structure is loaded in accordance with the provisions of

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the Building Code and having a factor of safety equivalent to that required by the Building Code.

"Toilet Room" means a room containing a water closet and a wash basin.

"Vacant or Abandoned Building" means a building or structure that is not used or occupied in a continuous or ongoing manner for the purpose or purposes for which the building or structure is suitably designed and/or intended.

"Ventilation" means the process of supplying or removing air by natural or mechanical means to or from any space.

"Yard" means the lands, other than public highways around and appurtenant to the whole or any part of a property used or intended to be used, or capable of being used in connection with the property.

1.2.1 Where terms are not defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Building Code or, if not defined in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION 1.3 - APPLICATION

1.3.1 This By-law shall apply to all property within the corporate limits of the City of Owen Sound under the authority of the City's Official Plan.

1.3.2 The standards for the maintenance and occupancy of property set forth in this By-law are hereby prescribed and adopted as the minimum standards for the City of Owen Sound.

Amended by By-laws 2009-054 and 2018-044

1.3.3 *Notwithstanding the provisions of this By-law, the Property Standards Officers will, if required be a Resolution of Council adopted from time to time, conduct a preliminary inspection of properties in the City, which preliminary inspection will be carried out pursuant to the provisions of this By-law at any property where the Officer views conditions that appear to the Officer to contravene this By-law.*

1.3.4 *The preliminary inspection shall include the matters set out on Schedule 'A' under the heading "Observations of the Property Shall Include the Following..."*

1.3.5 *The Officer shall not, without the consent of the Owner or Occupant of the property, enter onto the said property to carry out the preliminary inspection, carried out pursuant to this By-law.*

1.3.6 *Following the preliminary inspection of any property pursuant to subsection 1.3.3 hereof, the Officer may, in writing, notify the Owner or Occupant of the property of any work required to be carried out thereon in order that the said property will conform with the requirements in By-law 1999-030 insofar as the same are apparent to the Officer conducting the preliminary inspection.*

1.3.7 *City Council will by Resolution, determine, or authorize its delegate to determine, the areas of the City where Preliminary Inspections will be carried out.*

SECTION 1.4 - PROPERTY STANDARDS OFFICER

Amended by By-law 2008-128

1.4.1 *Property Standards Officers for the Corporation of the City of Owen Sound hereafter referred to as 'the Officer' shall be appointed by By-law adopted by City Council.*

SECTION 1.5 - PROPERTY STANDARDS COMMITTEE

1.5.1 The Committee of Adjustment for the City of Owen Sound shall serve as the Property Standards Committee.

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- 1.5.2 An officer who finds that a property does not conform with any standards prescribed in this by-law may make an order,
- (a) stating the municipal address or legal description of such property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition;

Amended by By-law 2008-050

- (c) *indicating the time for complying with the terms and conditions of the order and giving notice that, if the repairs or clearance is not carried out within the time specified the municipality may carry out the repair or clearance at the owner's expense.*
- (d) *Indicating the final date for giving notice of appeal from the order.*

Amended by By-laws 2013-030 and 2018-044

- 1.5.3 *Every person wishing to appeal an Order made under section 15.2 (2) of the Building Code Act, S.O. 1992 c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in section 15.3 (1) of the same act. All notices of appeal shall be filled out on the prescribed form and accompanied by a non-refundable payment of the "Appeal - Property Standards Order" fee as set out in the Fees and Charges By-law.*

SECTION 1.6 - TRANSITIONAL RULES

- 1.6.1 After the date of the passing this By-law, By-law 1994-061, as amended, shall apply only to those properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including any demolition, clearance or repair carried out by the city have been concluded.

SECTION 1.7 - CERTIFICATE OF COMPLIANCE

Amended by By-laws 2013-030 and 2018-044

- 1.7.1 *Following the inspection of a property, the Officer may, or on the request of the owner shall issue to the owner a Certificate of Compliance in the prescribed form if, in the Officer's opinion, the property is in compliance with the standards of this By-law. When the owner requests a Certificate of Compliance, the owner shall pay to the City the "Certificate of Compliance" fee as set out in the Fees and Charges By-law, which shall be collected by the Officer at the time of the issuance of such certificate.*

SECTION 1.8 - MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

- 1.8.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any residential property which does not comply with the provisions and regulations set forth in Part 2 and Part 3 of this By-law and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 3 of this By-law or the site thereof shall be cleared of all buildings, structures, garbage and rubbish, and left in a graded and levelled condition.

SECTION 1.9 - MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL AND VACANT PROPERTY

- 1.9.1 No person shall maintain or permit to be maintained, occupy or permit to be occupied, use or permit the use of, rent or offer to rent any non-residential or vacant property which does not comply with the provisions and regulations set forth in Part 2 and Part 4 of this By-law

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and any property which does not comply, shall be repaired and maintained to comply with the standards hereinafter set out in Part 2 and Part 4 of this By-law, or the site thereof shall be cleared of all buildings, structures, garbage and rubbish and left in a graded and levelled condition.

SECTION 1.10 - REMOVAL OF PLACARD

- 1.10.1 No person shall remove from any property any sign, notice or placard placed thereon pursuant to Section 15.2(3) of the Ontario Building Code Act, S.O. 1992, c.23.

SECTION 1.11 - PENALTIES AND ENFORCEMENT

- 1.11.1 An owner or corporation who fails to comply with an Order that is deemed to be confirmed is guilty of an offence pursuant to the penalty provisions of the *Building Code Act*, S.O. 1992, c.23.

SECTION 1.12 - VALIDITY

- 1.12.1 If any section of this By-law, or any amendments thereto, is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 1.12.2 Where provisions of this By-law conflict with the provisions of another By-law in force in the City, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

SECTION 1.13 - INTERCHANGEABILITY

- 1.13.1 Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

SECTION 1.14 - HEADINGS NOT PART OF BY-LAW

- 1.14.1 The headings in the body of this By-law form no part of the By-law and are inserted for convenience of reference only.

SECTION 1.15 - ADMINISTRATION FEE

Amended by By-laws 2008-050, 2009-023, 2011-116 and 2013-030

- 1.15.1 *Supervision of the clearing of yards when the work required under an order has not been done shall be billed to the property owner as set out in the Fees and Charges By-law, as amended from time to time, under the heading "Property Clean Up" for each staff person required on site with a minimum two hour charge.*

By-law 2011-116

- 1.15.2 *A Property sub-search fee will be added to the municipal tax roll of any property that a sub-search is obtained by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.15.3 *A Work Order fee will be added to the municipal tax roll of any property that has a Work Order issued by the Officer, the amount of this fee is specified in the City of Owen Sound Fees and Charges By-law.*
- 1.16 *All fees and charges shall be recoverable in a like manner as taxes.*

PART 2 - MAINTENANCE, REPAIR AND OCCUPANCY OF ALL PROPERTY

SECTION 2.1 - GENERAL

SECTION 2.1.1 - SCOPE

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2.1.1.1 The provisions of Part 2 of this By-law are applicable to all property subject to this By-law.

SECTION 2.2 - LANDS AND OPEN SPACES

SECTION 2.2.1 - YARDS

2.2.1.1 All yards, including vacant property, shall be maintained in a good condition and shall be:

- a) kept free from garbage, rubbish, brush, discarded materials and other debris, except that which is stored in suitable, clean receptacles for removal;
- b) kept free from noxious weeds and the excessive growth of other weeds and grasses;
- c) kept free of all vermin and injurious insects, and any condition, which might result in the harbouring of such pests;
- d) maintained free from dangerous holes or excavations;
- e) protected by suitable ground cover which prevents erosion of the soil, excluding areas used in connection with an active agricultural or gardening operation;
- f) graded so as to be maintainable.

2.2.1.2 All trees in any yard or on vacant property shall be kept pruned so as to be free from dead or dying branches, the collapse of which would be capable of causing injury or damage. All dead trees and shrubs shall be promptly removed from any yard or vacant property.

2.2.1.3 All hedges and ornamental shrubs in any yard or on vacant property shall be pruned and trimmed so as not to present an unsightly appearance or to extend beyond the limits of the property in such a way as to interfere with the reasonable use of adjoining property and so as not to obstruct windows, doors, drains, sidewalks, vents, or exits or entrances to property.

2.2.1.4 All sodded and grass covered areas on any property shall be kept in a good living condition and properly maintained including adequate cutting or mowing so as not to present an unsightly appearance. For residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .1 metres in height, and for non-residential property, lawns designed and intended to be mowed shall be maintained such that grass does not exceed .15 metres in height.

2.2.1.5 Subject to the provisions of Section 4.2.4.1 of this By-law, no machinery, vehicle, or other chattels including a boat, trailer or mobile home or parts thereof, which are in a wrecked, discarded, dismantled or partially dismantled or abandoned condition shall be parked, stored or left in any yard or on vacant property.

2.2.1.6 No machinery, vehicle, other material or other object or condition not associated with the normal occupancy and use of the property, including among other things appliances, fixtures, indoor furniture, paper, cartons, boxes or building materials such as lumber, masonry units or glass other than that intended for immediate use on the property shall be stored or allowed to remain in any yard or on vacant property.

2.2.1.7 Unused refrigerators or freezers shall not be stored in any yard or on vacant property, but where kept temporarily in a yard awaiting removal, the doors to the same must be securely locked or the hinges of the refrigerator or freezer door removed.

- 2.2.1.8 Where refrigerators or freezers are used outside, the doors and/or lids to the same shall be locked to prevent small children from gaining access to them.
- 2.2.1.9 All wells located on any property shall be capped with a structurally secure material such as concrete which can not be readily removed, and which shall be maintained in good repair.
- 2.2.1.10 The occupant of a residential property may provide for compost heap(s) provided that the compost heap is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or a forty-five gallon container, a metal or wooden frame building with a concrete floor, or a commercial enclosed container designed for composting. Compost heaps shall not emit odour(s) that are detectable on any adjoining property.

SECTION 2.2.2 - DRAINAGE

- 2.2.2.1 All yards, including vacant property, shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of stormwater thereon, or the drainage of such water into any basement or cellar, and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided however, that the grade level of such lands shall not be altered so as to either impede the natural flow of water through such property from any adjoining property, nor as to cause the drainage of stormwater onto any adjacent property, unless such alteration is in accordance with a grading plan approved by the City.
- 2.2.2.2 Stormwater run-off from all downspouts or impervious surfaces, and the drainage of water from all swimming pools, shall be contained within the limits of the property from which it originated until absorbed by the soil or drained to a storm sewer or to a naturally created swale or watercourse or to an artificially created ditch or watercourse that has been approved or constructed by the City. Such drainage shall be extended to take the stormwater run-off from all roof and other artificially created impervious surfaces except that the aforementioned extension may be omitted if appropriate measures are taken to ensure that such stormwater run-off is self-contained on the property as heretofore described, and further, that said stormwater will not collect thereon in such a manner as to endanger or create nuisance to persons on or adjacent to the property.

SECTION 2.2.3 - WASTE WATER

- 2.2.3.1 Sewage and water from waste pipes shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise. All sewage and wastewater shall be discharged into the City's sewerage system or a private sewage disposal system approved by the Medical Officer of Health.

SECTION 2.3 - GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

SECTION 2.3.1 - SAFETY SYSTEMS AND SUPPORT FACILITIES

- 2.3.1.1 All sprinkler systems, fire hoses, smoke detectors, fire extinguishers, fire alarm systems and apparatus, exit signs and other equipment or facilities installed in a building to provide protection from fire or other disaster shall be maintained in good repair.

Amended by By-law 2008-050

- 2.3.1.2 All elevators and elevating devices, hoists, lifts, and moving walkways and stairs shall be maintained in good repair. ~~in accordance with applicable Acts of the Province of Ontario.~~

SECTION 2.3.2 - UNSAFE BUILDINGS AND STRUCTURES

- 2.3.2.1 Any material forming part of the supporting structure of a building or other structure, other than a farm-related accessory building or structure, which shows evidence of decay or other deterioration shall be repaired.
- 2.3.2.2 Where any building or other structure has been damaged by fire, explosion, or by any other natural or unnatural force;
- a) any remaining portion of the building or structure shall be promptly removed or secured by bracing if there is a possibility of collapse;
 - b) temporary fencing shall be installed to secure the property to prevent incidental entry by unauthorised persons; and
 - c) all damaged materials shall be immediately removed from the property, or temporarily placed within a building which shall be secured to prevent entry by unauthorised persons.

Amended by By-law No. 2024-52

- 2.3.2.3 *All vacant and abandoned buildings shall be secured against unauthorized entry, and shall be maintained in a secured state with the yards maintained in accordance with section 2.2 of this By-law.*
- 2.3.2.3.1 *For the purposes of section 2.3.2.3, windows, doors, hatchways, skylights and other exterior openings through which entry may be obtained into a vacant building are required to be:*
- a. maintained so as to properly perform their intended function and closed and secured from unauthorized entry; or*
 - b. entry shall be prevented by closing and securing an opening with any of the following materials that are weather resistant, completely cover the opening, and are securely fastened to the vacant building:*
 - i. wood sheathing of at least 12.7 millimetres plywood (or equivalent product);*
 - ii. metal sheathing;*
 - iii. brick or concrete block and mortar; or*
 - iv. any other material approved by a Property Standards Officer.*
- 2.3.2.4 All collapsed or dilapidated buildings or structures, including buildings and structures severely damaged by fire, explosion, or by any other natural or unnatural force, shall be removed from the property.

SECTION 2.3.3 - SERVICES TO A VACANT BUILDING

- 2.3.3.1 Where a building remains unoccupied or vacant for a period of time exceeding ninety (90) days, all utilities servicing the building except those necessary for the safety or security of the building shall be properly disconnected or otherwise secured, to prevent accidental damage to the building or adjacent properties.

SECTION 2.3.4 - ACCESSORY BUILDINGS AND STRUCTURES

- 2.3.4.1 All garages, carports, sheds, fences, radio and television towers, artificial lighting standards, swimming pools, signs, awnings, retaining walls, flagpoles, and other accessory buildings and structures shall be kept in good repair.
- 2.3.4.2 All fences and other accessory structures shall be weather-resistant through the use of a proper weather-resistant material including paint or other preservatives, unless the aesthetic character is enhanced by the lack of such material.
- 2.3.4.3 All outdoor children's play areas and fixed playground equipment shall be maintained in good repair.

SECTION 2.4 - EXTERIOR MAINTENANCE OF BUILDINGS**SECTION 2.4.1 - EXTERIOR WALLS AND THEIR COMPONENTS**

- 2.4.1.1 The exterior walls of a building and their components shall be maintained so as to be weather-tight, free from loose or unsecured materials and objects and in good repair.
- 2.4.1.2 The exterior walls of a building and their components shall be maintained so as to retard deterioration due to weather, insects, or other causes. Where necessary, exterior walls and their components shall be so maintained by the painting, restoring, recovering with weatherproof material, or repairing of coping or flashing, waterproofing of joints and of the wall itself and other components, installing or repairing of termite shields, treating the soil with chemicals or using other suitable means.
- 2.4.1.3 Appropriate measures shall be taken to remove any objectionable markings, stains or other defacements occurring on the exposed finished exterior surfaces of any structure, and where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the marking, staining, or defacement occurred.
- 2.4.1.4. Exterior surfaces of a building shall be kept clean.
- 2.4.1.5 The exterior façade of all buildings shall be kept in good repair and shall be maintained so as to be free of loose or deteriorated paint and or material that would be detrimental to the aesthetic appearance of the building. The windows in any vacant building shall be maintained and be free of missing and or broken glass or the openings be covered so as not to present an unsightly appearance.

SECTION 2.4.2 - ROOF AND ROOF STRUCTURES

- 2.4.2.1 A roof of a building including the fascia board, soffit and cornice shall be maintained in a water-tight condition so as to prevent leakage of water into the building, and every fascia board, soffit and cornice shall be maintained so as to retard deterioration due to weather. Maintenance shall include the repair or replacement of broken, defective or deteriorated components with the application of paint, or other preservative, or covering with a weather-proof material.
- 2.4.2.2 A roof of a building shall be free from loose or unsecured or unsafe objects and materials.
- 2.4.2.3 All radio and television aerials, lightning arrestors, air conditioning units, stacks, pipes, vents and lighting or similar rooftop apparatus shall be maintained in good repair.

SECTION 2.4.3 - FOUNDATIONS

- 2.4.3.1 The foundation walls of a building or the foundation of any other structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance or safety of the building or structure, or the entrance of insects, rodents, or excessive moisture into the building or structure. Without limiting the generality of the foregoing, maintenance shall include the shoring or underpinning of the walls, installing subsoil drains at the footings, the grouting of masonry cracks, waterproofing of the walls and joints, and the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance or the safety of the building or structure.

SECTION 2.4.4 - EXTERIOR STAIRS, PORCHES, VERANDAS, AND BALCONIES

- 2.4.4.1 All exterior stairs, balconies, verandas, porches and every other similar outside appurtenance of a building shall be maintained in good repair.

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- 2.4.4.2 All balustrades, handrails and supporting structures to exterior stairs, balconies, verandas, porches, and every other outside appurtenance of a building shall be adequate to safely support persons using the same, and the spindles shall be so placed as to meet the provisions of the Building Code.
- 2.4.4.3 Where any exterior stairs, balcony, veranda, porch, or other similar outside appurtenance of a building is replaced, the same shall be constructed in compliance with the regulations contained within the Building Code.

SECTION 2.4.5 - WINDOWS AND EXTERIOR DOORS

- 2.4.5.1 Windows, skylights exterior doors and basement or cellar hatchways of a building shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative where required.
- 2.4.5.2 All openable windows and all exterior doors shall have hardware so as to be capable of being securely closed in order to prevent the entrance of wind, rain and snow into the building.
- 2.4.5.3 Rotted or damaged doors, door frames, window frames, sashes and casings and defective door and window hardware and broken window glass shall be repaired or replaced.
- 2.4.5.4 Basement or cellar windows used or required for ventilation and every other opening in a basement, cellar or crawlspace that might permit the entry of vermin or injurious insects shall be screened with wire mesh or other material that will effectively prevent vermin or injurious insects from entering the building.

SECTION 2.4.6 - EAVESTROUGHING

- 2.4.6.1 Where eavestroughing is provided on a building, every eavestrough, roof gutter and down pipe shall be maintained in good repair, which includes the repairing, replacing or restoring of defective or missing parts or components and the application of paint or other preservative.

SECTION 2.5 - INTERIOR MAINTENANCE OF BUILDINGS

SECTION 2.5.1 - WALLS, CEILING AND FLOORS

- 2.5.1.1 All walls, ceilings and floors, including columns, beams and other supporting structures shall be maintained in good repair and be capable of safely carrying out their intended function.
- 2.5.1.2 The surface of every wall and ceiling in a building shall be maintained in good repair.
- 2.5.1.3 Every floor in a building shall be maintained in good repair; further, floors in all bathrooms, toilet rooms, and kitchens shall be maintained so that the floors can be kept in a clean and sanitary condition.
- 2.5.1.4 The floors, ceilings and walls of every building shall be kept free from such dampness or moisture as may constitute a danger to health or safety, but this shall not apply to non-habitable rooms wholly or partly below adjacent grade.
- 2.5.1.5 Every floor, wall, ceiling and fixture attached thereto in a building shall be maintained in a sanitary condition.
- 2.5.1.6 Walls, floors and ceilings within common and public areas of a building shall be kept free of defacement.
- 2.5.1.7 All interior doors and their hardware shall be kept in good repair.

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- 2.5.1.8 Walls around a bathtub or shower, which are susceptible to being wet, shall be maintained so as to be waterproof and readily cleaned.

SECTION 2.5.2 - FUEL BURNING APPLIANCES/EQUIPMENT, CHIMNEYS & VENTS

- 2.5.2.1 All fuel burning appliances, heating, cooking, and cooling equipment and appurtenances thereto located in or attached to a building shall be installed, maintained in good repair and properly vented in order to:
- a) operate in a manner as to not present a safety hazard to the building, its occupants, components or contents;
 - b) prevent the heating of the surrounding combustibles and structural members above a safe temperature;
 - c) prevent the entrance of gases or fumes into the building;
 - d) have ample air supply to permit combustion.
- 2.5.2.2 All fuel shall be stored in a safe manner and where there are regulations, which deal with the storage of, said fuel, such regulations shall be complied with.
- 2.5.2.3 Every chimney, smoke pipe, flue and gas vent shall be maintained in good repair so as to prevent the leakage of gases or fumes into a building with all joints sealed and all broken or loose masonry repaired and kept free of obstructions so as to be in a safe and fire resistant condition.

SECTION 2.5.3 - WATER AND SEWAGE FACILITIES

- 2.5.3.1 Where sewage facilities are provided to a building, the same shall be kept in good repair at all times in order to adequately service such building. Where sewage facilities cease to be required for any building the same shall be closed off and all plumbing leading to the same capped in order to prevent leakage or the escape of odours or gases therefrom.
- 2.5.3.2 All plumbing, including every drain pipe, water pipe, toilet, and other plumbing fixtures in a building and every connecting line to the sewerage system or other approved disposal method shall be maintained in good repair.
- 2.5.3.3 All water pipes and appurtenances thereto shall be maintained in good repair and shall be protected from freezing.
- 2.5.3.4 Each plumbing fixture shall be connected to the sewerage system or other approved disposal method through a water seal trap. All unused plumbing, drains, and/or plumbing stacks shall be closed off to prevent gas or odour from entering the building.
- 2.5.3.5 Adequate running water shall be provided for every standard flush type toilet provided in a building.
- 2.5.3.6 Where a toilet is provided, a wash basin shall be provided in the same or an adjoining room.

SECTION 2.5.4 - HEATING SYSTEM

- 2.5.4.1 Where a heating system is provided in or for a building, the same shall be maintained in good repair, in accordance with recognised standards so as to be capable of heating the building safely.
- 2.5.4.2 Heating appliances shall not be placed so as to constitute a fire hazard, and shall be placed in accordance with the requirements of the Building Code.

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- 2.5.4.3 For purposes of Sections 2.5.4.1 and 2.5.4.2 of this By-law, a portable heating unit or system shall not be considered a heating system or heating appliance.

SECTION 2.5.5 - ELECTRICAL SERVICE

- 2.5.5.1 When an electrical service is provided to a building, the same including all electrical fixtures, equipment and appliances located or used in the building shall be maintained in good repair.

Amended by By-law 2008-050

- 2.5.5.2 *Every electrical system within a building shall be maintained in good repair.*
- 2.5.5.3 The capacity of the electrical service connection to a building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use of the building.

SECTION 2.5.6 - VENTILATION

- 2.5.6.1 Every bathroom or toilet room within a building shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights providing a minimum aggregate unobstructed free flow area of .1 square metres, provided however that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the building, and which operates continuously or is activated by the light switch for the bathroom or toilet room, or by other approved means.
- 2.5.6.2 Where an aperture such as a window, skylight or louver is used for ventilation in a building, the aperture shall be maintained so as to be easily opened and closed, or kept open.
- 2.5.6.3 All systems of mechanical ventilation or air-conditioning in a building shall be maintained in good repair.

SECTION 2.5.7 - EGRESS AND FIRE ESCAPES

- 2.5.7.1 All safety equipment relative to exits and means of egress, such as doors, closures, co-ordinating devices, and astragals, smoke seals and pressurised vestibules, latching devices, hinges and the like, shall be maintained in good repair.
- 2.5.7.2 Stairways and landings shall be capable of supporting loads for which they are intended, and shall be maintained in good repair, and shall be kept clear and unobstructed.
- 2.5.7.3 Balustrades and handrails on the main means of egress and supporting structures shall be adequate to safely support persons using the facility. Stairs, guards and hand railings on the main means of egress shall be maintained in good repair and the spindles thereon shall be so placed so as to meet the provisions of the Building Code.
- 2.5.7.4 Fire escapes shall be installed in compliance with the Building Code and kept free of dangerous accumulations of snow and ice.

SECTION 2.5.8 - EXTERMINATION AND/OR FUMIGATION

- 2.5.8.1 All buildings shall be kept free from vermin, termites and other injurious insects.
- 2.5.8.2 Where it is found that there is an infestation of insects or vermin within or about a building, extermination and/or fumigation shall be carried out until the infestation is eradicated in accordance with the provisions of the Environmental Protection Act and the Pesticides Act of Ontario. Where fumigation is to be undertaken, the owner of the building shall

advise the Owen Sound Fire Department prior to commencement of the fumigation.

SECTION 2.6 - GARBAGE AND RUBBISH

SECTION 2.6.1 - REFUSE STORAGE AND REMOVAL

- 2.6.1.1 All garbage and rubbish shall be stored in a sanitary manner in containers of durable leak proof and non-absorbent material or plastic garbage bags that can be effectively closed.
- 2.6.1.2 Containers used to store or keep garbage or rubbish shall be cleaned as necessary to ensure public health and safety and to eliminate the potential of odours.
- 2.6.1.3 Garbage and rubbish shall not be permitted to accumulate and remain on any property to an extent or for a length of time so as to constitute a health or safety hazard. Garbage or rubbish stored on any property that emits an odour that is detectable within a dwelling on the same lot or within any yard on an adjoining property shall forthwith be removed.
- 2.6.1.4 Any container not located within an enclosed building which is used to store or keep putrescible garbage shall have lids or other coverings for all openings, which lids or other coverings shall remain closed at all times.

PART 3 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF RESIDENTIAL PROPERTY

SECTION 3.1 - GENERAL

SECTION 3.1.1 - SCOPE

- 3.1.1. The provisions of Part 3 of this By-law are special requirements that relate only to residential property and are in addition to the provisions of Part 2, which also apply to residential property.

SECTION 3.2 - MAINTENANCE OF RESIDENTIAL PROPERTY

SECTION 3.2.1 - FIRE SEPARATIONS

- 3.2.1.1 Where physically possible, where two dwelling units share one or more common walls or floors/ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be maintained, which shall include the installation of fire rated doors, frames and closures when required.

Amended by By-law 2008-050.

- 3.2.1.2 *Where three or more dwelling units share one or more common walls or floors/ ceilings, whether the dwelling units are located on the same lot or on separate lots, a fire rated separation between dwelling units shall be established and maintained.*

SECTION 3.2.2 - HEATING AND HEATING SYSTEMS

- 3.2.2.1 Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius at one (1) metre above floor level and one (1) metre and more from exterior walls in all habitable rooms, bathrooms, and toilet rooms when the temperature outside the dwelling is -21 degrees Celsius.

Amended by By-law 2008-050.

- 3.2.2.2 *Where a multiple dwelling contains a central heating system, the same shall be located in a separate service room having minimum fire separation from the remainder of the building.*

SECTION 3.2.3 - ELECTRICAL SERVICE AND LIGHTING

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- 3.2.3.1 Every dwelling shall be serviced with a safe and adequate supply of electricity.

Amended by By-law 2008-050

- 3.2.3.2 *Every habitable room in a dwelling shall have a sufficient number of electrical outlets.*

- 3.2.3.3 *Every laundry area in a dwelling shall have a minimum of one (1) electrical duplex convenience outlet, which shall be maintained in good repair.*

- 3.2.3.4 Every bathroom, toilet room, kitchen, laundry area, furnace area, hall, stairway, basement, cellar, elevator, and non-habitable work area in a dwelling shall be provided with a permanent electrical light fixture that shall be maintained in good repair.

- 3.2.3.5 All common halls, vestibules, ramps, enclosed or underground automobile parking areas, interior and exterior points of ingress or egress in multiple dwellings shall be provided with an adequate degree of illumination at all times so as to ensure safe entry onto and use of said areas.

SECTION 3.2.4 - NATURAL LIGHT

- 3.2.4.1 Every habitable room within a dwelling, except a kitchen, bathroom, toilet room, storage room and den, shall have a window or windows, skylights, translucent panels, or glass area of an outside door that faces directly to the outside at least .15 metres above adjoining finished grade, or above an adjoining roof, and that admits as much natural light as would be transmitted through clear glass equal in area to 5 percent of the floor area of the room.

SECTION 3.2.5 - VENTILATION

- 3.2.5.1 Every habitable room within a dwelling, except a living room or dining room, shall have an opening or openings for natural ventilation, located in the exterior walls or through openable parts of skylights, providing a minimum aggregated unobstructed free flow area of .2 square metres, provided however that an opening for natural ventilation may be omitted if mechanical ventilation is provided which changes the total volume of air once each hour.
- 3.2.5.2 Every attic, basement, cellar and unheated crawl space in a dwelling shall be adequately vented to the outside. These areas shall be deemed to be adequately vented when, in a basement or cellar, windows which can be opened or screened openings are provided, the aggregate area of which shall not be less than 1 percent of the floor area, and for an unheated crawl space, a number of louvers with an insect screen of corrosion-resistant material are provided.

SECTION 3.2.6 - KITCHEN FACILITIES

- 3.2.6.1 Every dwelling unit shall be provided with at least one (1) kitchen sink maintained in good repair and attached to an approved means of sewage disposal.
- 3.2.6.2 Every dwelling unit shall contain a kitchen area equipped with:
- a) at least one (1) sink served with hot and cold running water and space for a stove and a refrigerator.
 - b) suitable storage area of not less than 0.23 cubic metres,
 - c) a counter or work area at least 0.61 m in width by 1.22 m in length, exclusive of sink, and covered with a material that is impervious to moisture and grease and is easily cleanable.
- 3.2.6.3 When a stove and/or refrigerator are provided in a dwelling, such appliances shall be in good repair.

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- 3.2.6.4 Every kitchen in a dwelling shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 3.2.6.5 Within a dwelling, there shall be at least .75 metres clear space above any exposed cooking surface.

SECTION 3.2.7 - TOILET AND BATHROOM FACILITIES

- 3.2.7.1 Except as otherwise provided in Section 3.2.7.4 of this By-law, every dwelling unit and rooming unit shall contain at minimum one (1) wash basin, one (1) bathtub or shower, and one (1) standard flush type toilet, attached to an approved means of sewage disposal.
- 3.2.7.2 In a multiple dwelling, every wash basin, bathtub or shower required by this By-law shall have an adequate supply of cold water and hot running water capable of being drawn from the tap at a temperature of minimum 49 degrees Celsius.
- 3.2.7.3 In a multiple dwelling, every bathtub, shower and toilet shall be fully enclosed within a room equipped with a door capable of being closed for privacy, and shall be separated from any room that is used for the preparation, cooking, storing or consumption of food, or for sleeping purposes, and shall be located within the dwelling unit or rooming unit except as otherwise provided in Section 3.2.7.4 of this By-law.
- 3.2.7.4 The requirements of Sections 3.2.7.1 and 3.2.7.2 of this By-law shall not prevent the occupants of a residential property containing only rooming units from sharing a toilet, wash basin, or bathtub or shower provided that access to the toilet, wash basin, and the bathtub or shower is available without going through a room or rooms of another rooming unit and provided that at least one (1) toilet, one (1) wash basin and one (1) bathtub or shower is supplied for each six (6) persons or fraction thereof, who share the said facilities. This Section shall not apply to limit the number of occupants of a rooming unit who have sole access to and control over the facilities specified in Section 3.2.7.1 of this By-law.

SECTION 3.2.8 - EGRESS AND FIRE ESCAPES

- 3.2.8.1. Every dwelling unit shall have a safe, continuous and unobstructed means of egress from the interior of every dwelling or rooming unit to the outside at grade level or a ground floor entrance. The egress to exit shall be kept clear at all times and shall be as direct as practical, without the necessity of passing through a room or rooms that is or are occupied by or are under the control of any other dwelling or rooming unit, or other exclusive occupancy in the building.
- 3.2.8.2 A means of egress as set out in Section 3.2.8.1 of this By-law shall not pass through an attached or built-in-garage or an enclosed part of any other building.

SECTION 3.2.9 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

Amended by By-law 2008-050

- 3.2.9.1 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.*
- 3.2.9.2 *On every residential property all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.*
- 3.2.9.3 *On every residential property all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with*

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an adequate degree of illumination at all times so as to ensure safe use of these said areas.

- 3.2.9.4 *All off street parking areas and driveways on every residential property shall be:*
- a) *constructed and maintained with a stable surface of asphalt, concrete, brick, compacted crush stone or similar material capable of supporting the weight of motor vehicles and preventing the raising of dust; and*
 - b) *graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.*

SECTION 3.2.10 - WINDOW

- 3.2.10.1 All windows in a dwelling that are designed to open shall open easily without the aid of special tools and shall be capable of remaining in an open position without additional supports.
- 3.2.10.2 All openable windows in a dwelling shall be screened in order to prevent the entry of insects, termites and other pests and all such screens shall be properly latched or secured in order to prevent the easy removal or opening by small children as provided for in the Building Code.
- 3.2.10.3 Where windows in a multiple dwelling are more than 3 metres from adjacent ground level and are less than one (1) metre from the floor, guards or restrictions shall be established, or such windows shall be designed to withstand lateral loading so as to prevent small children from falling through the window opening.

SECTION 3.2.11 - GARBAGE AND RUBBISH STORAGE

- 3.2.11.1 Every multiple dwelling shall have provided on the same lot therewith, whether inside or outside of a building, an area designated for the temporary storage of garbage and rubbish.
- 3.2.11.2 Where garbage or rubbish is stored inside a multiple dwelling, the storage area, garbage chutes if any, and the receptacles shall be:
- a) kept in a clean and sanitary condition, washed and disinfected as often as necessary to maintain a clean condition;
 - b) enclosed so as to prevent the entry of insects, rodents and vermin into the storage area;
 - c) provided with the necessary screens and/or shields to prevent the entry of insects or vermin into any portion of a dwelling; and
 - d) ventilated so that no noxious odours enter any portion of the dwelling.
- 3.2.11.3 All garbage and rubbish containers and receptacles kept on any residential property shall be screened from view and shall be provided with covers so that the material contained therein is not exposed to public view or to insects or other pests.

SECTION 3.2.12 - LOCKING DEVICES

- 3.2.12.1 In a multiple dwelling, all doors to the exterior or to a common entrance or exit system shall have locking devices installed and such devices shall be maintained at all times in good repair and shall be openable from the inside without requiring the use of a key or special tool.
- 3.2.12.2 In a multiple dwelling, all doors providing access to dwelling units and rooming units shall include a locking device for use by the occupant.

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- 3.2.12.3 In a multiple dwelling, all windows or other openings through which unauthorized entry can be gained to a dwelling unit or a rooming unit shall be equipped with a locking or other appropriate security device for use by the occupant.
- 3.2.12.4 In a multiple dwelling, locking devices which incorporate panic hardware shall be used where necessary in accordance with the provisions of the Building Code.
- 3.2.12.5 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

SECTION 3.2.13 - WATER FACILITIES

- 3.2.13.1 No dwelling unit or rooming unit in a multiple dwelling shall be let unless the following water facilities are provided:
- a) Where the facilities of a municipal water system are located on the street within thirty (30) metres of a multiple dwelling, every such multiple dwelling shall be connected thereto, providing permission for such connection can be obtained from the City's Public Utilities Commission.
 - b) Where the facilities of a municipal water system are not available or connection to the system is for any reason not permitted by the City's Public Utilities Commission or is not required by the City, a multiple dwelling shall be supplied with an adequate supply of potable running water in accordance with the requirements of the Building Code.
- 3.2.13.2 If an adequate supply of potable running water is being used to service a multiple dwelling from a source other than the municipal water system, occupancy of a dwelling unit or rooming unit therein shall be permitted notwithstanding the provisions of Section 3.2.13.1 a) of this By-law provided:
- a) such system is approved in writing by the Medical Officer of Health; and
 - b) the water is tested annually and such test indicates that such water is potable.

SECTION 3.2.14 - OCCUPANCY STANDARDS

- 3.2.14.1 The number of occupants in a dwelling unit or rooming unit of a multiple dwelling shall not exceed 1 person for each 9.3 square metres of the total floor area of all the habitable rooms within the dwelling unit or rooming unit.

Amended by By-law 2008-050

- 3.2.14.2 For the purpose of computing the total floor area of the habitable rooms in Section 3.2.14.1 of this By-law and the floor area in Section 3.2.14.3 of this By-law, the minimum ceiling height shall be ~~2.2~~ 2.1 metres over at least one half of the required floor area. Any part of the floor having a clear height of less than 1.4 metres shall not be considered in computing the required floor area. No room shall be considered a habitable room if located so that more than one half its height is below the level of the ground adjacent to its exterior walls.
- 3.2.14.3 No room in a multiple dwelling shall be used for sleeping purposes unless it has a minimum width of 1.8 metres and a floor area of at least 7 square metres, and further, a room used for sleeping purposes by 2 or more persons shall have a floor area of at least 4.6 square metres for each person so using the room.

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PART 4 - ADDITIONAL PROVISIONS RELATING TO MAINTENANCE, REPAIR AND OCCUPANCY OF NON-RESIDENTIAL PROPERTY

SECTION 4.1 - GENERAL

SECTION 4.1.1 - SCOPE

- 4.1.1.1 The provisions of Part 4 of this By-law are special requirements that relate only to non-residential property and are in addition to the various provisions of Part 2, which also apply to non-residential property.

SECTION 4.2 - MAINTENANCE OF NON-RESIDENTIAL PROPERTY

SECTION 4.2.1 - DRIVEWAYS, PARKING AREAS, AND WALKWAYS

- 4.2.1.1 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs and landings, and similar common areas that are accessible to the public shall be free of potholes, large cracks, and uneven surfaces that may be hazardous to pedestrians. Such areas shall be graded to ensure adequate drainage, and shall be maintained in a safe condition.
- 4.2.1.2 On any non-residential property, all parking lots, driveways, sidewalks, ramps, designated fire routes, outside stairs, fire escapes, and landings shall be kept clear of dangerous accumulations of ice and snow.
- 4.2.1.3 On any non-residential property, all parking lots, driveways, sidewalks, ramps, outside stairs, fire escapes, and landings shall be lighted with an adequate degree of illumination at all times so as to ensure safe use of these said areas.
- 4.2.1.4 All offstreet parking areas and driveways on any non-residential property shall be:
- a) constructed and maintained with a stable surface of asphalt, concrete, brick, or other material capable of supporting the weight of motor vehicles and preventing the raising of dust; and
 - b) graded and drained so as to prevent surface water from being directed onto abutting lands as a result of the construction of such parking area or driveway unless such drainage is permitted pursuant to a drainage plan approved by the City.

SECTION 4.2.2 - LIGHTING

- 4.2.2.1 All common halls, vestibules, ramps, stairs, elevators, enclosed or underground automobile parking areas, interior and exterior points of ingress and egress in any non-residential building shall be provided with an adequate degree of illumination so as to ensure safe entry onto and/or use of the said areas, but this requirement shall not apply to require such lighting to be used if non-use of the required lighting achieves security objectives, provided such lighting is available for use when required and no public hazard is created by such non-use.

SECTION 4.2.3 - RESTROOMS

- 4.2.3.1 Rooms containing sanitary conveniences and toilet facilities shall be cleaned regularly so as to be in a sanitary condition.

SECTION 4.2.4 - AUTOMOTIVE REPAIR AND SERVICE ESTABLISHMENTS

- 4.2.4.1 Notwithstanding the provisions of Section 2.2.1.5 of this By-law, any business engaged in the repair of automobiles may store temporarily on the same lot therewith vehicles which may be in a wrecked condition that are to be either repaired at the same premises or removed for disposal, within the immediate future.

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PART 5 - GENERAL


SECTION 5.1 - BY-LAWS REPEALED

5.1.1 By-law Numbers 1994-061 and 1994-124 are hereby repealed.

SECTION 5.2 - EFFECTIVE DATE

5.2.1 This By-law shall come into full force and effect upon the final passing hereof.

FINALLY PASSED AND ENACTED this 1st day of March, 1999.

CERTIFIED TO BE A TRUE COPY OF
 BY-LAW NO. 1999-030 passed by
 City Council on March 1, 1999

 Deputy City Clerk,
 City of Owen Sound.

Signature on File Mayor

Signature on File Clerk

SCHEDULE A

Amended by By-laws 2009-054 and 2018-044

Patrols will be carried out by the Property Standards Officer mainly to observe the exterior conditions of the property.

A Property Standards Officer may inspect the side and rear yards of a property where it appears to the Officer, without entry onto the property, that there is a contravention of the Property Standards By-law or other regulatory By-laws are likely to exist.

Observations of the property shall include the following:

- Condition of the entryway to the property, walkways, brick/stonework, pathways leading to an entrance to the house
- Condition of the yard
- Fencing
- Driveways and other accesses to the property
- Front entrance including condition of any stairs, porches, verandas, entry ways as visible through cursory observation
- Exterior finish
- Condition of and access to exterior windows and doors
- Exterior soffit and fascia
- Roofing and chimney

**PROPERTY STANDARDS COMMITTEE
CITY OF OWEN SOUND**

IN THE MATTER OF an appeal pursuant to section 15.3 of the *Building Code Act, 1992*, S.O. 1992, c. 23

AND IN THE MATTER OF Property Standards Order No. OSBY-2026-0076

BETWEEN:

KEPLER REAL ESTATE INC.

Appellant

-and-

CITY OF OWEN SOUND

Respondent

**FACTUM OF THE RESPONDENT
CITY OF OWEN SOUND**

PART I – OVERVIEW

1. This appeal concerns Property Standards Order OSBY-2026-0076, issued on February 12, 2026, by Property Standards Officer pursuant to section 15.2(2) of the *Building Code Act, 1992* and the City of Owen Sound Property Standards By-law No. 1999-030. The Order relates to the residential rental property located at 235 8th Street East, Owen Sound, owned by the Appellant, Kepler Real Estate Inc. The Order requires inspection and treatment by a certified pest control company to address the presence of bedbugs reported in Unit #5 and surrounding units within the building.
2. The events leading to the Order began in January 2026 when a tenant of Unit #5 brought insect samples to Grey Bruce Public Health. On January 26, 2026, Public Health notified Kepler Real Estate Inc. and the city that the insects had been positively identified as bedbugs. The correspondence also advised that the tenant had previously reported bedbug concerns to Kepler Real Estate Inc. and had recently discovered additional evidence of

bedbugs on January 20, 2026. Public Health requested that Kepler Real Estate Inc. provide a plan to eradicate the pests from the building in a timely manner.

3. On January 27, 2026, the City's Property Standards Officer wrote to Kepler Real Estate Inc. requesting a response outlining the proposed eradication plan, including the scheduled date of treatment, the pest control contractor, the products and methods to be used, the scope of work within the unit and building, and any follow-up treatments. Kepler Real Estate Inc. subsequently provided a pest control report from Orkin Canada dated January 9, 2026, which indicated that no live bedbug activity was observed at that time but confirmed that the tenant had shown the technician several bedbugs and that a precautionary crack-and-crevice pesticide treatment had nevertheless been applied.
4. Following review of that report, the city advised the tenant on February 4, 2026, to continue monitoring the unit for further bedbug activity and to report any additional evidence. On the evening of February 11, 2026, the tenant contacted the Property Standards Officer again, reporting that bedbugs were still present and that the tenant was continuing to experience bites. The tenant provided photographs showing insect samples and visible bite reactions.
5. After receiving this follow-up complaint and evidence, the Property Standards Officer investigated on February 12, 2026, as recorded in the municipal inspection report for case OSBY-2026-0076. Based on the complaint history, the confirmation from Public Health, the photographic evidence of bedbugs dated February 11, 2026, and the investigation conducted by the officer, the city concluded that the property was not being kept free from insects, contrary to section 2.5.8.1 of the Property Standards By-law.
6. As a result, the City issued Property Standards Order OSBY-2026-0076 on February 12, 2026, requiring inspection and extermination measures by a certified pest control company in Unit #5 and surrounding units to determine the extent of bedbug activity and eradicate any infestation present. The Order required compliance by April 21, 2026, providing the owner with approximately two months to complete the required work or request an extension if circumstances beyond its control prevented compliance within that timeframe.

7. The Appellant now appeals the Order in its entirety, asserting that bedbugs are not “injurious insects,” that the Order improperly relies on section 2.5.8.1 rather than section 2.5.8.2 of the by-law, that the Order was issued without proper inspection, and that the scope of the required inspections is unreasonable. The city submits that these arguments are without merit. The Order was issued following confirmation of bedbugs by Public Health, subsequent evidence of live bedbugs reported by the tenant, and an investigation conducted by the Property Standards Officer. The remedial measures required by the Order are consistent with the city’s statutory responsibility to ensure that residential buildings are maintained in a safe, sanitary, and habitable condition.

PART II – FACTS

The Property

8. The subject property is located at 235 8th Street East, Owen Sound, Ontario, and is owned by the Appellant, Kepler Real Estate Inc. The property operates as a multi-unit residential rental building and is therefore subject to the City of Owen Sound Property Standards By-law No. 1999-030 and the provisions of the *Building Code Act*, 1992. The complaint giving rise to this matter concerns Unit #5, occupied by tenant Jerico Dodd, who reported the presence of bedbugs within the dwelling unit.
9. A by-law enforcement case concerning the property was opened on January 27, 2026, after the city received correspondence from Grey Bruce Public Health regarding a complaint from a tenant about the presence of bedbugs and confirmation the pests were in fact bedbugs on January 26, 2026.

Public Health Complaint

10. On January 26, 2026, Grey Bruce Public Health notified Kepler Real Estate Inc. and the City of Owen Sound that insect samples brought to the health unit by a resident of 235 8th Street East had been positively identified as bedbugs. Public Health advised that the resident had previously informed Kepler Real Estate Inc. of suspected bedbug activity and that a pest control representative had attended the unit but advised the tenant that the

unit was not believed to be the source of the bedbugs. The resident later discovered additional evidence of bedbugs on February 11, 2026, and again notified the landlord.

11. Following receipt of the Public Health notification, the Property Standards Officer requested that Kepler Real Estate Inc. provide a bedbug eradication plan outlining the proposed treatment schedule, contractor, product type, scope of work, and follow-up appointments.
12. In response, Kepler Real Estate Inc. provided a pest control report from Orkin Canada dated January 9, 2026. The report indicated that the technician did not observe active bedbug activity at the time of inspection but noted that the tenant had shown the technician three bedbugs believed to have been found previously. The technician nevertheless applied a crack-and-crevice treatment using OnGuard Bed Bug Killer as a precautionary measure.
13. However, Kepler Real Estate Inc. provide an inspection report by Orkin Canada that was completed before the Grey Bruce Public Health's email of January 27, 2026.
14. After reviewing the report, the city advised the tenant on February 4, 2026, to continue monitoring the unit and to notify the city if further bedbug activity was observed.

Inspection by the Property Standards Officer

15. On the evening of February 11, 2026, the tenant contacted the Property Standards Officer again and reported that bedbugs were still being found within the unit and that the tenant continued to experience bites. The tenant provided photographs showing insect samples and visible bite reactions. These photographs were dated February 11, 2026, at approximately 7:29 p.m.
16. The municipal inspection report for case OSBY-2026-0076 records that the Property Standards Officer conducted an investigation about the property on February 12, 2026, at approximately 9:26 a.m. The inspection record identifies the violation as the presence of bedbugs within Unit #5 and notes that the property was not being kept free from injurious insect's contrary to section 2.5.8.1 of Property Standards By-law No. 1999-030.

Issuance of the Property Standards Order

17. Following the investigation and inspection, the City issued Property Standards Order No. OSBY-2026-0076 on February 12, 2026. The Order cited the relevant provisions of the City's Property Standards By-law concerning extermination and pest control and identified the violation as the presence of bedbugs within the property.
18. The Order required that a certified pest control company inspect Unit #5 as well as the surrounding units immediately above, below, beside, and diagonal to the subject unit, and the adjacent hallway areas. The Order further required extermination treatment in any area where bedbugs, eggs, nymphs, or other evidence of bedbug activity were discovered, as well as completion of any recommended follow-up treatments necessary to fully eradicate the bedbug population within the building. The pest control technician was required to provide signed inspection and treatment reports to the Property Standards Officer for each visit.
19. The Order required the work to be completed by April 21, 2026, providing the owner approximately two months to complete the required inspection and extermination measures or request an extension if factors outside of the owner's control required additional time.

Notice of Appeal

20. The Appellant subsequently filed a Notice of Appeal challenging the Order in its entirety. The Appellant asserts that section 2.5.8.1 of the Property Standards By-law has not been violated because bedbugs are allegedly not "injurious insects." The Appellant further argues that the Order improperly relies on section 2.5.8.1 rather than section 2.5.8.2, that the Order was issued without the mandatory inspection required by the *Building Code Act*, that the City ignored the January 9, 2026 Orkin inspection report, and that the scope of the Order requiring inspection of surrounding units is excessive and unsupported by evidence of a building-wide infestation.

21. Instead of working with the city and coming to realistic conclusions, the Appellant exercised the right to Appeal and seeks rescission of Property Standards Order OSBY-2026-0076 and waiver of all associated fees.

PART III – ISSUES

22. The issues before the Property Standards Committee are:

- a) Whether the Property Standards Officer had authority under the Building Code Act to issue the Order.
- b) Whether bedbugs fall within the meaning of “injurious insects” under section 2.5.8.1 of the by-law.
- c) Whether the Order is invalid because the description of violation referred primarily to section 2.5.8.1 rather than section 2.5.8.2.
- d) whether the Order was issued without the inspection required by the *Building Code Act*.
- e) Whether the scope of the Order is reasonable.
- f) Whether the Order should be confirmed, modified, or rescinded

PART IV – LAW AND ANALYSIS

Authority of the Property Standards Officer Under the Building Code Act

23. Section 15.2(2) of the *Building Code Act*, 1992 authorizes a Property Standards Officer to issue an order requiring repairs or remedial work where property does not conform with the standards prescribed in a municipal property standards by-law. Once such an order is issued, section 15.3 of the Act permits the property owner to appeal the order to the Property Standards Committee.

24. This authority is reinforced by section 10(2) and section 15.1 of the *Municipal Act*, 2001, which authorize municipalities to pass by-laws respecting the health, safety and well-being of persons and the maintenance of property. Municipal property standards by-laws are remedial and are to be given a broad and purposive interpretation.

25. The City of Owen Sound has enacted Property Standards By-law No. 1999-030 pursuant to this statutory authority. The by-law establishes minimum standards for the

maintenance and occupancy of property within the municipality, including provisions addressing sanitation and pest control within residential buildings.

26. Where evidence establishes that a building is not kept free from vermin or injurious insects as required by the by-law, a Property Standards Officer is authorized to issue an order requiring remedial action necessary to restore compliance with the by-law. The Order issued in this matter falls squarely within the authority granted to the City under the *Building Code Act*.

27. The Committee's role is not to substitute its preferred standard, but to determine whether the officer acted within statutory authority and whether the Order is reasonably related to achieving compliance.

Bedbugs Are Not "Injurious Insects"

28. The Appellant asserts that section 2.5.8.1 of the Property Standards By-law has not been violated because bedbugs are allegedly not "injurious insects." This interpretation is inconsistent with both the ordinary meaning of the term and the purpose of municipal property standards legislation.

29. Section 2.5.8.1 of the by-law requires that all buildings be kept free from "vermin, termites and other injurious insects." Bedbugs are parasitic insects that feed on human blood and commonly cause bites, skin irritation, allergic reactions, sleep disturbance, and psychological distress. In multi-unit residential buildings, bedbugs can spread between units through structural openings, furnishings, and common areas if not properly controlled.

30. Municipal property standards by-laws are remedial in nature and are intended to ensure that residential buildings are maintained in a condition that is safe, sanitary, and suitable for human habitation. Within that context, bedbugs clearly fall within the category of insects that can be a health risk and nuisance to occupants and is detrimental to the safe use and enjoyment of residential premises.

31. The tenant in this case reported continued bites and provided photographs showing insect samples and visible bite reactions. These circumstances are consistent with the presence of insects within the dwelling. Accordingly, the Property Standards Officer was entitled to conclude that the building was not being kept free from injurious insects as required by section 2.5.8.2 of the by-law.
32. Bedbugs, while undesirable, are not recognized as vectors of disease and are not classified as a public health hazard in the same manner as rodents or cockroaches. Administrative decisions have consistently treated bedbugs as a pest rather than an inherently injurious one absent evidence of significant health impact.
33. Accordingly, absent evidence of actual health risk rising beyond irritation or inconvenience, bedbugs do not meet the threshold of “injurious insects” contemplated by section 2.5.8.1. The proper provision, if any, would be section 2.5.8.2 concerning infestation, which requires a different evidentiary foundation.

Appellant Argues the Order Is Not Invalid Because It Focuses on Section 2.5.8.1

34. The Appellant also argues that the Order is defective because it does not explicitly state that section 2.5.8.2 of the by-law has been violated or that an “infestation” exists. The Appellant submits that the Order therefore alleges a violation only of section 2.5.8.1 and not section 2.5.8.2.
35. This argument focuses on the wording of the Order rather than its substance. The essential purpose of a property standards order is to notify the property owner of the condition that does not comply with the by-law and to specify the work required to bring the property into compliance.
36. In this case, the Order clearly identifies the condition giving rise to the violation: the presence of bedbugs within Unit #5. The Order also sets out the corrective work required to address the issue, including professional inspection, extermination where evidence of bedbugs is found, and follow-up treatments recommended by the pest control company.

37. The Order further includes a quotation of both sections 2.5.8.1 and 2.5.8.2 under the heading identifying the applicable provisions of the by-law. Even if the description of violation refers primarily to section 2.5.8.1, the Order remains valid so long as the owner can understand the nature of the problem and the work required to remedy it.
38. The Appellant was clearly able to understand the substance of the Order, as evidenced by the detailed arguments raised in the Notice of Appeal. There is therefore no ambiguity or procedural unfairness arising from the wording of the Order.
39. Even if the Committee finds that bedbugs are not “injurious insects,” the validity of the Order turns on whether the owner had sufficient notice of the alleged deficiency and required work.
40. Courts have repeatedly held that minor defects in statutory notice do not invalidate administrative orders where no prejudice arises.
41. Here, the Order clearly identifies the presence of bedbugs and the remedial steps required. The Appellant understood the case to meet, as evidenced by the detailed appeal. There is no procedural unfairness.

The Order Was Issued Following an Inspection and Investigation

42. The Appellant argues that the Order was issued without the physical inspection required under section 15.2 of the *Building Code Act*. This allegation is not supported by the evidence.
43. Section 15.2 of the *Building Code Act* requires that an officer form an opinion that a property does not comply with the by-law; it does not require direct visual confirmation of each defect.
44. There is no statutory requirement that a Property Standards Officer personally observe or physically verify pest activity before issuing an order. In the context of property standards

enforcement, reliance on tenant complaints and public health confirmation is both common and legally sufficient.

45. The municipal inspection report for case OSBY-2026-0076 records that the Property Standards Officer investigated about the property on February 12, 2026, at approximately 9:26 a.m. The inspection record notes that the officer had received a follow-up complaint from the tenant reporting continued bedbug activity and including photographs dated February 11, 2026.
46. Property standards investigations commonly rely on a combination of sources of information, including tenant complaints, reports from public health authorities, pest control documentation, photographic evidence, and the observations of the investigating officer. The *Building Code Act* does not require that the officer personally observe each individual insect before issuing an order.
47. In this case, the officer had before him multiple sources of evidence supporting the conclusion that bedbugs were present at the property. Grey Bruce Public Health had already confirmed that insect samples brought by the tenant were bedbugs. The tenant subsequently reported continued bedbug sightings and bites and provided photographs of insect samples.
48. Taken together, this evidence provided a sufficient basis for the officer to conclude that the building was not being kept free from injurious insects and that an order was required to bring the property into compliance with the by-law.
49. In property standards enforcement, especially involving transient conditions such as bedbugs, requiring direct observation would undermine the purpose of the legislation. Bedbug activity is intermittent and often not visible during inspections. Accordingly, municipalities routinely rely on:
 - a) Public health confirmations;
 - b) Tenant evidence and photographs; and
 - c) Pest control reports.

50. Accordingly, even if no physical inspection occurred, the Order would remain valid provided the officer had a reasonable basis for forming the opinion of non-compliance.

The January 9, 2026, Orkin Report Does Not Establish Compliance

51. The Appellant relies heavily on an Orkin Canada inspection report dated January 9, 2026, arguing that the report “cleared the building” and that the city improperly ignored it.

52. The city did not ignore the Orkin report. The Property Standards Officer acknowledged receipt of the report and advised the tenant to continue monitoring the unit for further activity.

53. The report itself does not establish that the property was free from bedbugs. It records only that no active bedbug activity was observed at the time of that single inspection. The report also notes that the tenant showed the technician three bedbugs that had previously been found in the unit. The technician nonetheless applied a pesticide treatment as a precaution.

54. A single inspection that does not identify live bedbugs at a particular moment does not conclusively establish that bedbugs are absent from a residential building. Pest activity can fluctuate and may not always be visible during a short inspection.

55. Subsequent evidence received by the City on February 11, 2026, indicated that bedbugs were still being observed within the unit and that the tenant continued to experience bites. The City was therefore entitled to conclude that the January 9 inspection did not resolve the issue.

The Scope of the Order Is Reasonable and Proportionate

56. The Appellant further argues that the Order is excessive because it requires inspection of surrounding units and adjacent areas of the building.

57. However, the measures required by the Order reflect standard pest control practice for bedbug management in multi-unit residential buildings. Bedbugs are capable of migrating between units through structural openings, plumbing penetrations, electrical conduits, and shared hallways. For this reason, pest control professionals commonly recommend inspection of units adjacent to the affected unit in order to identify the extent of the infestation and prevent re-infestation after treatment.
58. Limiting inspection solely to the original unit may allow bedbugs present in neighbouring units to remain undetected and later migrate back into the treated unit. The requirement that adjacent units be inspected is therefore a reasonable precaution designed to ensure that extermination efforts are effective.
59. The Order does not require unnecessary upgrades or discretionary improvements to the property. Instead, it requires inspection and extermination measures necessary to address a pest issue affecting the habitability of a residential unit.
60. Accordingly, the scope of the Order is proportionate to the circumstances identified during the investigation.

Alleged Failure to Respond to a Demand for Particulars

61. The Appellant also argues that the city failed to respond to a “Demand for Particulars” and that this failure obstructed the Appellant’s ability to prepare a defence.
62. Property standards proceedings before a municipal Property Standards Committee are administrative hearings governed by the *Building Code Act* and the *Municipal Act* rather than formal civil litigation. The procedural requirements for such hearings are considerably less formal than those of a court proceeding.
63. The essential procedural requirement is that the owner be provided with sufficient information to understand the alleged violation and the work required to remedy it. The Order in this case clearly identifies the condition giving rise to the violation, the relevant by-law provisions, and the work required to bring the property into compliance.

64. The Appellant has demonstrated a detailed understanding of the allegations and the basis of the Order through the Notice of Appeal and accompanying submissions. Any alleged delay in responding to a request for particulars does not invalidate the Order itself.

65. In light of these factors, there is no basis for rescinding the Order.

PART V – RELIEF SOUGHT

66. The Respondent, the City of Owen Sound, respectfully requests that the Property Standards Committee:

- a) Confirm Property Standards Order No. OSBY-2026-0076; and,
- b) Grant such further and other relief as the Committee considers just.

ALL OF WHICH IS RESPECTFULLY SUBMITTED on March 20, 2026

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Representative for the Respondent
City of Owen Sound

Municipal Act, 2001, S.O. 2001, c. 25

Broad authority, single-tier municipalities

10 (1) A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public. 2006, c. 32, Sched. A, s. 8.

By-laws

(2) A single-tier municipality may pass by-laws respecting the following matters:

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection.
9. Animals.
10. Structures, including fences and signs.
11. Business licensing. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 1.

Municipal Act, 2001, S.O. 2001, c. 25

Specific powers, by-laws under general powers

15 (1) If a municipality has power to pass a by-law under section 9, 10 or 11 and also under a specific provision of this or any other Act, the power conferred by section 9, 10 or 11 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2001, c. 25, s. 15 (1); 2006, c. 32, Sched. A, s. 11 (1).

Building Code Act, 1992, S.O. 1992, c. 23

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

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Building Code Act, 1992, S.O. 1992, c. 23

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall

be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

**ONTARIO
CITY OF OWEN SOUND
PROPERTY STANDARDS COMMITTEE
APPEAL**

BETWEEN:

KEPLER REAL ESTATE INC

Appellant/Applicant

and

CITY OF OWEN SOUND

Respondent/Appellant

LIST OF WITNESSES
FOR THE RESPONDENT/CITY OF OWEN SOUND

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