

# Town of Smiths Falls

## Property Standards and Yard By-law Update

Draft By-laws, Virtual Public Meeting

September 8<sup>th</sup>, 2022, 5:30 – 7:00 PM



# Land Acknowledgement

This land is the ancestral and unceded territory of the Algonquin Anishinaabe Nation. We are grateful to the Algonquin ancestors who cared for the land and water in order that we might meet here today. We are also grateful to the Algonquin People for their contribution in the making of the Rideau Canal which runs through Smiths Falls.

The Town of Smiths Falls recognizes with gratitude the knowledge and contributions that the Algonquin Peoples bring to the Municipality of Smiths Falls. Today, Smiths Falls is also home to other Indigenous people from across Turtle Island.



## Project Outline

- Project Purpose
- Project Progress
- Recap of Emerging Findings
  - Yard Naturalization
  - Quality of Housing
- Walk-Through of Draft By-law Updates
- Q&A Session
- Moving Forward

## Project Team

- **Rory Baksh, RPP**  
Project Manager/Partner
- **Martina Braunstein**  
Senior Landscape Professional
- **Ish Chowdhury**  
Project Planner
- **Angel Bancale**  
Landscape Planner

# Housekeeping & Guidelines

Please stay on **mute** when not speaking.

Use the **raised hand function** located in the **menu bar** to ask a question or provide a comment.

Please direct your insights **To: Everyone**.

If you are on the phone, **press \*6** to raise your hand.

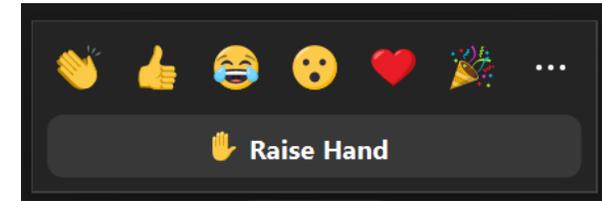
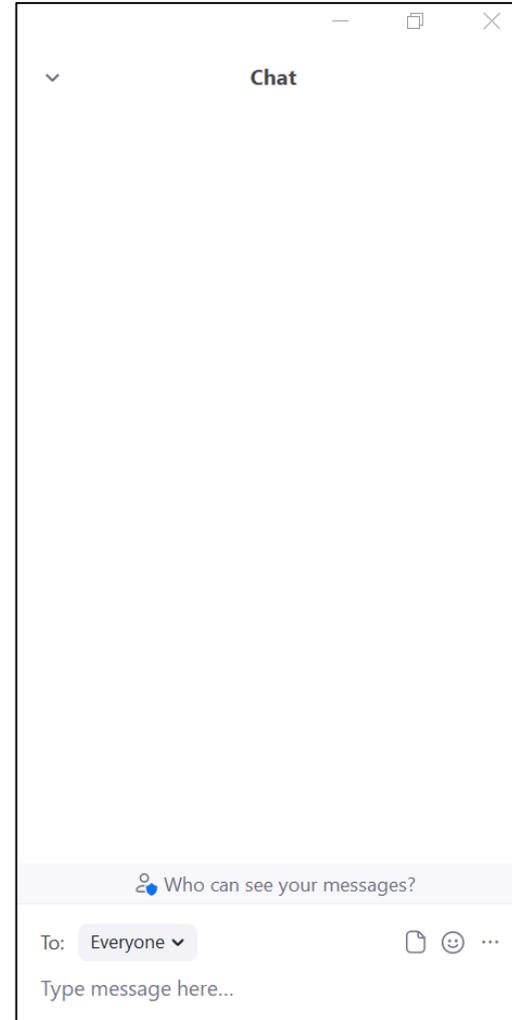
Staff in the background will answer chat questions.

There will be a **dedicated Q&A** session at the end of the presentation to address your questions and comments.

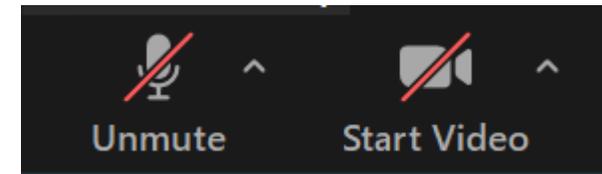
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**<https://speakupsmithsfalls.com>**

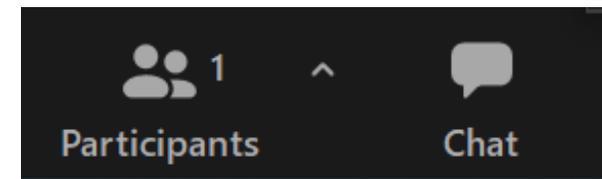
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# Project Purpose

A challenge with **property standards** across Ontario is that they have not kept up with a trend towards naturalized yards.

Municipalities across Ontario are also facing an on-going pressure to intervene on matters of **housing quality** through by-law enforcement. Housing is one of Council's priorities this term and a review of property standards was recommended by the Housing Task Force.

- The Town identified these two priorities as part of a “refresh” of its Property Standards By-law (last amended in 2015).
- Two part update:
  - (i) Naturalization of Yards;** and,
  - (ii) Quality of Housing.**

## Part 1: Yard Naturalization

From both an aesthetics and plant species perspective, these landscape treatments may conflict with traditional property standards in a by-law, even though yard naturalization may be desirable from a sustainability perspective.

- Exploring **naturalized yards** as an alternative to cultivated lawns
  - Can support biodiversity
  - Viewed by some as more environmentally-friendly
- Through the **naturalization of yards**, opportunities for these landscaping approaches and coordination with the Yard By-law are being considered

## Part 2: Housing Quality

More and more Ontario municipalities are stepping in to address this need.

Example: The Landlord and Tenant Board is inundated with significant issues and it is challenging for “minor” issues to be handled.

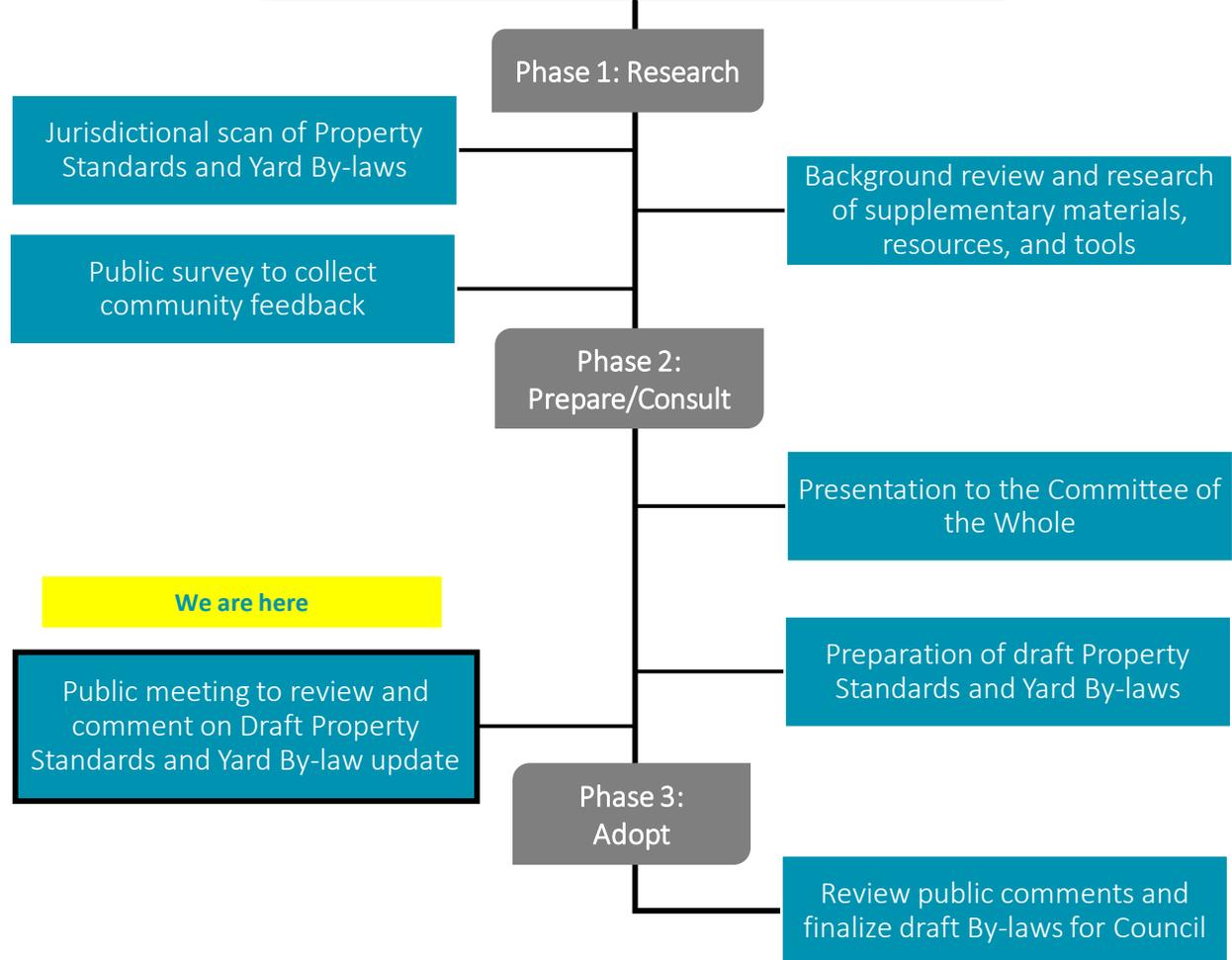
- Property standards by-laws have advanced beyond their original purpose to deter dilapidated buildings, and now speak to a wide range of maintenance issues
- With **Quality of Housing**, reasonable standards will be established that fall within the Town’s capacity and is not discriminatory between renters and owners



# Project Progress

# Project Progress

Council passed a resolution to update the Town's current Property Standards By-law to consider the naturalization of yards.





# Recap of Emerging Findings | Part 1, Yard Naturalization

# Recap of Emerging Findings | Yard Naturalization

- Municipal approaches to **promoting yards naturalization** vary widely:
  - Some provided a comprehensive guide to selecting plant species and planning a naturalized garden (e.g., Guelph, Hamilton, Peterborough)
  - Others explicitly defined what constitutes grass and listed prohibited plants (e.g., Toronto, Mississauga)
- Municipalities have emphasized the importance of **upholding basic maintenance standards**, such as:
  - Cutting grass
  - Removing garbage
  - Controlling noxious weeds
- **Two distinct by-laws** appears to be the modern approach to yards and property standards, and is best understood when considering the enabling legislation
  - Property standards:  
Section 15.1 of the Ontario Building Code Act
  - Yards:  
A by-law under the Municipal Act
- Smiths Falls does not need to specifically address **urban agriculture** in its by-laws, but should not deter it

# Emerging Findings | Supplementary Guides

- Some municipalities have developed supporting material to encourage and educate citizens on yards naturalization/property standards.
- These resource materials provide a user-friendly method of communicating the expectations in the by-law(s).
- These materials also help by-law officials when investigating a complaint.

- The Town of Smiths Falls should create a user-friendly brochure to guide residents that a naturalizing their yards



# Direction | Yard Naturalization

- Focus property standards on minimum maintenance requirements
- Provide a comprehensive section in the Yard By-law on naturalization
  - Other municipalities have moved towards this direction
  - Yard naturalization is expected to become more common in Smiths Falls, following the broader trend





# Recap of Emerging Findings | Part 2, Quality of Housing

# Recap of Emerging Findings/Direction | Quality of Housing

- A number of municipalities address emerging issues of housing quality:
  - Hamilton's by-law is so specific that "one rat or mouse" constitutes an infestation
  - Brampton addresses mould and mildew
  - Peterborough, Ottawa, and Mississauga by-laws address snow removal

- The Town of Smiths Falls should update property standards to encompass emerging issues of housing quality
- Case law reminder: can not discriminate between owners and renters in the application of the by-law

# Walk-Through of the Draft By-laws

# Walk-Through of the Draft By-laws

## Part 1: Yard By-law

**THE CORPORATION OF THE TOWN OF SMITHS FALLS**  
**YARD BY-LAW NO. XXXX-2022**  
A By-law requiring yards to be clean and safe

Section		Page
1	Short Title	
2	Scope	
3	Definitions and Interpretations	
4	General Provisions	
5	Maintenance of Yards	
6	Landscaping and Vegetation	
7	Enforcement and Penalties	
8	Repeal of Former By-Law and Coming into Force	

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act, 2001 or any other Act; and

*The Draft Yard By-law with the yard sections migrated from the Property Standards By-law.*

### Overall:

- ✓ Yards matters moved into the Yard By-law
  - Yard By-law under the Municipal Act: improves flexibility
- ✓ New By-law (old by-law being repealed) makes it easier to understand the entire by-law

# Walk-Through of the Draft By-laws

## Part 1: Yard By-law

### Supporting Naturalization:

- ✓ Definitions:
  - “Naturalized Area” added
- ✓ Section 5.1 and Schedule ‘A’:
  - Clarity added on what is a ‘weed’
- ✓ Section 5.3:
  - Landscaping better defined as “trees, shrubs, ornamental grasses or flowers; decorative stonework, walkways or screening; any commercially-available horticultural or landscape architectural elements.”

*Schedule A was developed after reviewing other municipalities that provided a table listing weeds.*

Schedule A		
Prohibited Local Weeds		
Item	Common Name	Scientific Name
1	Black Dog-strangling Vine	<i>Vincetoxicum nigrum/rossicum</i>
2	Buckthorn, European/Common	<i>Rhamnus cathartica L.</i>
3	Buckthorn, Glossy	<i>Frangula alnus</i>
4	Coltsfoot	<i>Coltsfoot tussilago farfara L.</i>
5	Common Barberry	<i>Berberis vulgaris L.</i>
6	Common Crupina	<i>Crupina vulgaris, Cass.</i>
7	Cypress Spurge	<i>Euphorbia cyparissias L.</i>
8	Dodder spp.	<i>Cuscuta spp.</i>
9	Dog-strangling Vine	<i>Cynanchum rossicum/louiseae</i>
10	Garlic mustard	<i>Alliaria petiolata</i>
11	Giant Hogweed	<i>Heracleum mantegazzianum Sommier &amp; Levier</i>
12	Hemlock, poison	<i>Conium maculatum L.</i>
13	Jointed goatgrass	<i>Aegilops cylindrica Host</i>
14	Japanese knotweed	<i>Reynoutria japonica var. japonica</i>
15	Knapweed spp.	<i>Centaurea spp.</i>
16	Kudzu	<i>Pueraria montana (Lour.) Merr.</i>
17	Leafy Spurge	<i>Euphorbia esula L.</i>
18	Phragmites	<i>Phragmites australis subsp. australis</i>
19	Poison-ivy	<i>Toxicodendron radicans (L.) Kuntze</i>
20	Purple loosestrife	<i>Lythrum salicaria</i>
21	Ragweed spp.	<i>Ambrosia spp.</i>
22	Serrated tussock	<i>Nassella trichotoma Hackel ex Arech.</i>
23	Smooth bedstraw	<i>Galium mollugo L.</i>
24	Sow-thistle spp.	<i>Sonchus spp.</i>
25	Tansy Ragwort	<i>Senecio jacobaea L.</i>

# Walk-Through of the Draft By-laws

## Part 1: Yard By-law

### Avoiding/Resolving Concerns:

- ✓ Section 5.1:  
turfgrass and weeds no higher than “20 cm... from grade to the topmost growth”
- ✓ Section 5.2:  
“out of character with the surrounding environment”
- ✓ Section 5.4:  
“have the yard inspected by a Landscape Architect ... and a written report giving details of the Landscape Architect’s findings be submitted to the Town.”

“Naturalized Area” means a landscape area that has been deliberately implemented to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof.

“Plant” means any vegetation that is not a shrub, hedge, or tree.

“Property Standards Officer” means a person appointed by by-law of the Corporation as a Property Standards Officer.

“Owner” includes:

- a. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- b. A lessee or occupant of the land who, under the terms of a lease, is required to repair and maintain the land.

5.4. If there is any question about the suitability of the landscaping materials in Section 5.2, then the Town may have the yard inspected by a Landscape Architect having full membership in the Ontario Association of Landscape Architects, and a written report giving details of the Landscape Architect’s findings be submitted to the Town.



# Walk-Through of the Draft By-laws

## Part 2: Property Standards By-law

### Overall:

- ✓ Better focused on health and safety
- ✓ New By-law (old by-law being repealed) makes it easier to understand the entire by-law
- ✓ Reorganized to improve usability
  - The Property Standards By-law was already quite comprehensive

TOWN OF SMITHS FALLS  
BY-LAW NO. XXXX-XX  
PROPERTY STANDARDS BY-LAW

Being a by-law to prescribe standards for the maintenance and occupancy of property and to repeal By-law numbers 7766-2003, 8038-2007, 8123-2008, and 8723-2014.

**WHEREAS** Council of the Corporation of the Town of Smiths Falls deems it desirable to establish standards for the maintenance and occupancy of properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

**AND WHEREAS** the Corporation of the Town of Smiths Falls has an Official Plan that includes provisions relating to property conditions.

**AND WHEREAS** section 15.1(3) of the Building Code Act, 1992 authorizes the Corporation of Town of Smiths Falls to pass a by-law prescribing standards for the maintenance and occupancy of property;

**AND WHEREAS** section 15.6(1) of the Building Code Act, 1992 provides for the establishment of a Property Standards Committee;

**AND WHEREAS** Part XII of the Municipal Act, 2001 and section 15.5 of the Building Code Act, 1992 authorize the Town of Smiths Falls to charge fees for services and activities carried out under this By-law;

**NOW THEREFORE**, the Council of the Corporation of the Town of Smiths Falls enacts as follows:

**SHORT TITLE**

1. This By-law may be referred to as the "Property Standards By-law" or the "Town of Smiths Falls Property Standards By-law".

# Walk-Through of the Draft By-laws

## Part 2: Property Standards By-law

### Addressing Issues:

- ✓ Section 6(5):  
Mold cleaning: “shall be immediately cleaned and removed”
- ✓ Section 6(11):  
Vermin prevention: “kept free of vermin at all times”
- ✓ Sections 9(14) and 22(16):  
“kept free from accumulations of ice and/or snow that create a hazard”

#### Mold

- 6(5) Any accumulation of mold within indoor living and/or indoor storage areas of a building shall be immediately cleaned and removed by the occupant.
- 6(6) No person shall occupy, or permit the occupancy of a building, or portion thereof, where an extensive accumulation of mold exists which could pose a health concern to any person who occupies the building, or portion thereof.
- 6(7) Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mold, shall be repaired or removed by the owner of the building.
- (a) Notwithstanding any other provision of this by-law, section 6(5) and 6(6) shall not apply if, in the opinion of an Officer, the presence of mold is minor in nature and relates to general maintenance and/or lifestyle.

#### Vermin Prevention

- 6(8) A dwelling shall be kept free of vermin at all times, and methods used for exterminating shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations enacted pursuant thereto.
- (a) The owner of a building shall take the appropriate steps to remove all pests infestations using a licensed pest control agency in accordance with all applicable laws.
- (b) The owner of a building that has used a pest control agency shall produce for the Property Standards Officer on demand, documented proof of steps taken to eliminate the violating pests.

# Walk-Through of the Draft By-laws

## Part 2: Property Standards By-law

### General Good Repair:

- ✓ Section 16(1):  
Kitchen cupboards and cabinets in good repair
- ✓ Section 16(2):  
Appliances in good repair
- ✓ Sections 23(11) :  
Catch basins free of obstructions

#### KITCHENS AND BATH OR SHOWER ROOMS AND TOILET ROOMS

##### Kitchen

16(1) The following items in a kitchen shall be maintained in good repair or replaced:

- (a) Cupboards, cupboard doors, and cupboard door hardware;
- (b) Cupboard drawer cabinets, cupboard drawers, and cupboard drawer hardware; and,
- (c) Counter tops.

16(2) Where appliances are provided, they must be maintained in good repair and in a safe condition.

DRAFT for Public Consultation, August 19, 2022

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A photograph of gardening supplies including a watering can, gloves, tools, and hats, with the text 'Q&A' overlaid in a white box.

# Q&A

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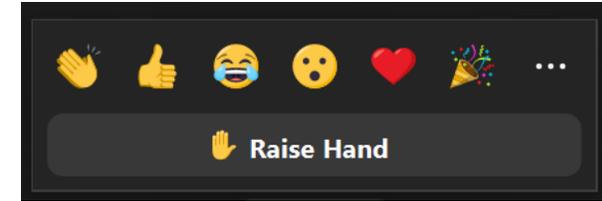
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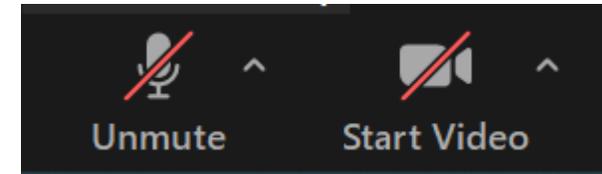
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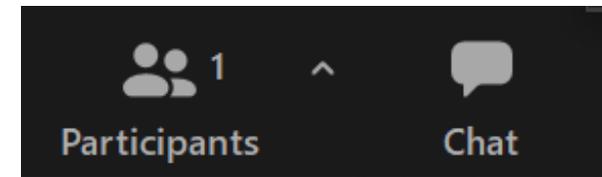
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# Moving Forward

- Consider comments from the public meeting and refine the Draft Property Standards By-law and Draft Yard By-law
- Prepare Draft of Yards Naturalization Brochure to work in tandem with the Yard By-law
- Submit the refined Draft By-laws for Council adoption



# Closing & Thank You

All are welcome to submit their comments after the meeting to the Clerk's Office. Please note that all comments or questions received will be part of public record. The Town may also be contacted through mail, phone, or email as shown below:

Town of Smiths Falls, 77 Beckwith St. N., Smiths Falls, ON, K7A 2B8  
613-283-4124, 1-888-983-4124, [info@smithsfalls.ca](mailto:info@smithsfalls.ca)