

BY-LAW #209
TOWN OF SACKVILLE

MAINTENANCE AND OCCUPANCY STANDARDS
FOR RESIDENTIAL PROPERTIES BY-LAW

The Council of the Town of Sackville enacts the following by-law under Section 94 of the *Municipalities Act, R.S.N.B. 1973, c. M-22*.

1. In this by-law:

“by-law enforcement officer” means a person appointed by the Council of the Town of Sackville to administer and enforce this by-law;

“Code” means The Residential Properties Maintenance and Occupancy Code approved by New Brunswick Regulation 84-86 under Section 93 of the *Municipality Act*.

“committee of council” means the By-Law Committee plus the Mayor and legal counsel when necessary.

“dwelling” means a building any part of which is used for the purposes of human habitation whether or not the building is in such a state of disrepair so as to be unfit for such purpose;

“dwelling unit” means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;

“person” includes a corporation;

“property” includes premises, a building or a structure.

2. In sections 4, 5, 5.1, 7, 8 and 9 of this by-law, “owner” includes the person for the time being managing or receiving the rent for a property whether on the person’s own account or an agent or trustee of any other person or who would receive the rent if the property were let.
3. The Code, with the exception of sections 23(2) and subsections 25(1) to 25 (5) inclusive, is adopted and applies within the boundaries of the Town of Sackville.
4. Where a property is found to be in violation of the Code, the by-law enforcement officer may notify the owner or occupier of the property by notice in the form prescribed by Regulation which shall:

- a) be in writing;
- b) be signed by the officer;
- c) state that the property does not comply with the Code;
- d) state what must be done to comply with the Code;
- e) state the date before which the condition must be corrected;
- f) if an appeal may be brought under section 5.1, state the final date for giving notice of the appeal.

4.1 A notice referred to in section 4 shall be given

- a) if the person to be notified is an individual, by personal delivery on the individual or by posting the notice in a conspicuous place on the premises, building or structure, or
- b) if the person to be notified is a corporation, by personal delivery on an officer, director or agent of the corporation or on a manager or person who appears to be in control of any office or other place of business where the corporation carries on business in New Brunswick or by posting the notice in a conspicuous place on the premises, building or structure.

5. (1) Proof of the giving of notice in either manner provided for in section 4.1 may be by a certificate or an affidavit purporting to be signed by the officer referred to in section 4, naming the person to whom notice was given and specifying the time, place and manner in which notice was given.

(2) A document purporting to be a certificate under subsection (1) shall be

- a) admissible in evidence without proof of signature, and
- b) conclusive proof that the person named in the certificate received notice of the matters referred to in the certificate.

(3) In any prosecution for a violation of any provision of this by-law, where proof of the giving of notice is made as prescribed under subsection (1), the burden of proving that one is not the person named in the certificate or affidavit shall be upon the person charged.

(4) A notice given under section 4 and purporting to be signed by a by-law enforcement officer shall be

- a) received as evidence by any court in the Province without proof of the signature.
- a) proof in the absence of evidence to the contrary of the facts stated in the notice, and
- b) in a prosecution for a violation of any provision of this by-law, proof in the absence of evidence to the contrary that the person named in the notice

is the owner or occupier of the property in respect of which the notice was given.

- 5.1 (1) An owner or occupier of premises or a building or structure who has been given a notice under section 4, other than a notice prepared under section 8, and who is not satisfied with the terms or conditions set out in the notice may appeal to the appropriate committee of council by sending a notice of appeal by registered mail to the clerk of the municipality within fourteen days after having been given the notice.
- (2) A notice that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed.
- (3) On an appeal, the committee of council shall hold a hearing into the matter at which the owner or occupier bringing the appeal has a right to be heard and may be represented by legal counsel.
- (4) On an appeal, the committee of council may confirm, modify or rescind the notice or extend the time for complying with the notice.
- (5) The committee of council shall provide a copy of its decision to the owner or occupier of the premises, building or structure who brought the appeal within fourteen days after making its decision.
- (6) The owner or occupier provided with a copy of a decision under subsection (5) may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within fourteen days after the copy of the decision was provided to the owner or occupier on the grounds that
- a) the procedure required to be followed by this Act was not followed, or
 - b) the decision is patently unreasonable.
- (7) On the appeal, the judge of The Court of Queen's Bench of New Brunswick may confirm, modify or rescind the whole or any part of the decision of the committee of council, and the decision of the judge under this subsection is not subject to appeal.
- (8) A notice that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee of council under subsection (4) or a judge of The Court of Queen's Bench of New Brunswick under subsection (7), as the case may be, shall be final and binding upon the owner or occupier who shall comply within the time and in the matter specified in the notice.
- (9) An appeal does not prevent a further notice from being given under section 4.1 or from being prepared and signed under section 8 in relation to a condition referred to in the notice that is the subject of the appeal if there has been a change in the

condition.

- 5.2 (1) In this section
- “land registration office” means the registry office for a county or the land titles office for a land registration district.
- (2) A notice given under section 4.1 may be registered in the appropriate land registration office and upon such registration, any subsequent owner of the premises, building or structure in respect of which the notice was given shall be deemed, for the purposes of section 7 and 8, to have been given the notice on the day on which the notice was given under section 4.1.
- (3) For the purposes of registering a notice under subsection (2), section 44 of the *Registry Act* and section 55 of the *Land Titles Act* do not apply.
- (4) Within thirty days after the terms of the notice have been complied with or a debt due to a municipality under subsection 7(1) or 8(5) or due to the Minister of Finance under subsection 10 (4)(c), as the case may be, is discharged, the municipality shall provide a certificate in the form prescribed by regulation to that effect to the person to whom the notice was given under section 4.1 or deemed to have been given under subsection (2), as the case may be, and the certificate shall operate as a discharge of the notice.
- (5) A person to whom a certificate is provided under subsection (4) may register the certificate in the appropriate land registration office, and, upon registration of the certificate, the appropriate registrar of the land registration office may cancel registration of the notice in respect of which the certificate as provided.
6. (1) A person who fails to comply with the terms of a notice given under section 4.1 commits an offence that is, subject to subsection (2) and (3), punishable under Part 11 of the *Provincial Offences Procedure Act* as a category F offence.
- (2) Notwithstanding subsection 56(6) of the *Provincial Offences Procedure Act*, where a person who is leasing a dwelling or dwelling unit to another person commits an offence under subsection (1) in relation to a notice given under section 4.1 with respect to the dwelling or dwelling unit, the minimum fine that may be imposed by a judge under that Act in respect of the offence shall be one thousand dollars.
- (3) Where an offence under subsection (1) continues for more than one day,
- (a) if the offence was committed by a person in relation to notice given under section 4.1 with respect to a dwelling or dwelling unit the person is leasing to another person,

- (i) the minimum fine that may be imposed is the sum of
 - (A) one thousand dollars, and
 - (B) the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues after the first day, and
- (ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for category F offence multiplied by the number of days during which the offence continues, and

(b) in any other case,

- (i) the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues, and
- (ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues.

(4) The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his or her part to comply with the provisions of this by-law and/or the Code.

7. (1) If a notice has been given under section 4.1, other than a notice prepared under section 8, and the owner or occupier does not comply with the notice, as deemed confirmed or as confirmed or modified by a committee of council or a judge under section 5.1, within the time set out in the notice, the municipality may, rather than commencing proceedings in respect of the violation or in addition to doing so, cause the work set out in the notice to be carried out or have the building or structure demolished, and the cost of carrying out such work, including any related charge or fee, is chargeable to the owner or occupier and becomes a debt due to the municipality.

(2) For the purpose of subsection (1), the by-law enforcement officer who gave the notice in respect of the premises, building or structure and the employees of the municipality or other persons acting on behalf of the municipality may, at all reasonable times, enter upon the premises, building or structure in order to clean up or repair the premises or demolish the building or structure, as the case may be.

(3) A municipality or a person acting on its behalf is not liable to compensate an owner or occupier or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under this action.

8. (1) In this section “**emergency**” includes a situation in which there is imminent danger to public safety or of serious harm to premises or to a building or structure.
- (2) If, upon inspection of a property under section 102.1 of the *Municipalities Act*, the by-law enforcement officer referred to in that section is satisfied that there is nonconformity with this by-law or the Code to such an extent as to pose an emergency, the by-law enforcement officer may prepare and sign a notice referred to in section 4 requiring the owner or occupier of the premises, building or structure in respect of which the notice is prepared to immediately carry out work to terminate the danger.
- (3) After having prepared and signed a notice referred to in subsection (2), the by-law enforcement officer may, either before or after the notice is given under section 4.1, take any measures necessary to terminate the danger giving rise to the emergency, and, for this purpose, the by-law enforcement officer who prepared the notice and the employees of the municipality or other persons acting on behalf of the municipality may, at any time, enter upon the premises, building or structure in respect of which the notice was prepared.
- (4) A municipality or a person acting on its behalf is not liable to compensate an owner or occupier or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under this section.
- (5) The cost of taking measures under subsection (3), including any related charge or fee, is chargeable to the owner or occupier and becomes a debt due to the municipality.
- (6) If the notice was not given before measures were taken to terminate the danger, the officer shall give a copy of the notice under section 4.1 as soon as possible after the measures have been taken, and the copy of the notice shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking such measures.
- (7) If the notice was given before the measures were taken, the officer shall give a copy of the statement mentioned in subsection (6) in the same manner as a notice is given under section 4.1 as soon as practicable after the measures have been taken.
- (8) No person shall refuse entry to or obstruct or interfere with an officer referred to in subsection 7(2) or 8(3) who under the authority of that subsection is entering or attempting to enter premises or a building or structure.
- (9) A person who violates or fails to comply with subsection (8) commits an offence that is, subject to subsections (10) and (11), punishable under Part 11 of the *Provincial Offences Procedure Act* as a category F offence.

- (10) Notwithstanding subsection 56(6) of the *Provincial Offences Procedure Act*, where a person who is leasing a dwelling or dwelling unit to another person commits an offence under subsection (9) in relation to the dwelling or dwelling unit, the minimum fine that may be imposed by a judge under that Act in respect of the offence shall be one thousand dollars.
- (11) Where an offence under subsection (9) continues for more than one day,
- (a) if the offence was committed in relation to a dwelling or dwelling unit by a person who is leasing the dwelling or dwelling unit to another person,
- (i) the minimum fine that may be imposed is the sum of
- (A) one thousand dollars, and
- (B) the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues after the first day, and
- (i) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues, and
- (b) in any other case,
- (i) the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues, and
- (ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues.
9. (1) Where the cost of carrying out work becomes a debt due to a municipality under sections 7 and 8, an officer of the municipality may issue a certificate stating the amount of the debt due and the name of the owner or occupier from whom the debt is due.
- (2) A certificate issued under subsection (1) may be filed in The Court of Queen's Bench of New Brunswick and a certificate so filed shall be entered and recorded in the Court and when so entered and recorded may be enforced as a judgment obtained in the Court by the municipality against the person named in the

certificate for a debt of the amount specified in the certificate.

- (3) All reasonable costs and charges attendant upon the filing, entering and recording of a certificate under subsection (2) may be recovered as if the amount had been included in the certificate.
- 10.
- (1) The cost of carrying out work under subsection 7(1) or of taking measures under subsection 8(5), as the case may be, and all reasonable costs and charges attendant upon the filing, entering and recording of a certificate under section 9(2) shall, notwithstanding subsection 72(2) of the *Workers' Compensation Act* and until paid, form a lien upon the real property in respect of which the work is carried out or the measures are taken in priority to every claim, privilege, lien or other encumbrance, whenever created, subject only to taxes levied under the *Real Property Tax Act* and a special lien under subsection 189(10).
 - (2) The lien in subsection (1)
 - (a) attaches when the work under subsection 4.1 is begun or the measures under subsection 8.3 are begun, as the case may be, and does not require registration or filing of any document or the giving of notice to any person to create or preserve it, and
 - (b) follows the real property to which it attaches into whose hands the real property comes.
 - (3) Any mortgagee, judgment creditor or other person having any claim, privilege, lien or other encumbrance upon or against the real property to which is attached a lien under subsection (1)
 - (a) may pay the amount of the lien,
 - (b) may add the amount to the person's mortgage, judgment or other security, and
 - (c) has the same rights and remedies for the amount as are contained in the person's security.
 - (4)
 - (a) Where a debt due to a municipality under subsection 7(1) or 8(5) remains unpaid in whole or in part and the Minister of Finance is of the opinion that the municipality has made reasonable efforts to recover the unpaid amount, the Minister of Finance shall, if the municipality requests him or her to do so before December 31 in any year, pay to the municipality the following amounts at the same time as the first payment is made to the municipality under section 6 of the *Municipal Assistance Act* in the following year:
 - (i) the unpaid amount of the debt; and

- (ii) interest on the unpaid amount of the debt
 - (A) calculated at the same rate as is applied in determining the amount of a penalty under subsection 10(3) of the *Real Property Tax Act*, and
 - (B) accruing from the day the municipality completes the work or measures in respect of which the debt arose to the day the municipality makes a request under this subsection for payment in respect of the debt.
- (a) A municipality shall make a request under subsection (1) by submitting to the Minister of Finance a statement of the expenditures of the municipality that gave rise to the debt.
- (b) Subject to paragraph (d), where a debt due to a municipality under subsection 7(1) or 8(5) in relation to work carried out or measures taken with respect to premises or a building or structure remains unpaid, in whole or in part, by the person liable to pay the debt and the Minister of Finance has made a payment under subsection (1) in respect of the debt.
 - (i) any part of the debt that remains unpaid by the person liable to pay the debt becomes a debt due to the Minister of Finance, and
 - (ii) the Minister of Finance shall collect the following amounts from the owner of the premises, building or structure in the same manner that taxes on real property are collected under the *Real Property Tax Act*.
 - (A) any part of the debt under subsection 7(2) or 8(5) that remains unpaid by the person liable to pay the debt; and
 - (B) interest on the unpaid part of the debt
 - calculated at the same rate as is applied in determining the amount of a penalty under subsection 10(3) of the *Real Property Tax Act*, and
 - accruing from the day the municipality completes the work or measures in respect of which the debt arose to the day the municipality makes a request under

subsection (1) for payment in respect of the debt.

- (c) Subject to paragraphs (e) and (f), section 7, section 10, except subsection 10(2), and sections 11, 12, 13, 14, 14.1, 15, 16, 19, 20, 24 and 25 of the *Real Property Tax Act* apply with the necessary modifications for the purposes of subsection (3).
- (d) Where the amounts referred to in paragraph (c) remain unpaid, those amounts and any penalty added to them under paragraph (d) constitute a lien on the real property in respect of which the work was carried out or the measures were taken, and the lien ranks equally with a lien under subsection 11(1) of the *Real Property Tax Act*.
- (e) Where the real property is sold under any order of foreclosure, order for seizure and sale, execution or other legal process or a power of sale under a debenture or mortgage or under subsection 44(1) of the *Property Act*, the amount of a lien referred to in subsection (5) constitutes a charge on the proceeds that ranks equally with a charge under subsection 11(1) of the *Real Property Tax Act*.

10. A municipality shall not proceed to demolish a building or structure under paragraph 7(1) unless it has a report from an architect, an engineer, a building inspector or the Fire Marshall that the building or structure is dilapidated or structurally unsound and such report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.

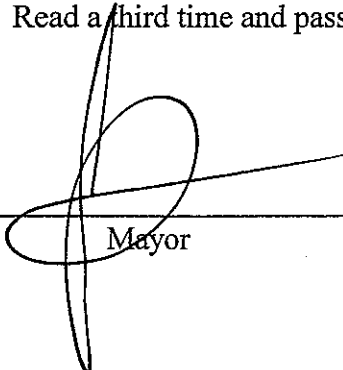
12.1 The by-law entitled By-Law No. 195, Maintenance and Occupancy Standards for Residential Properties By-Law enacted June 13, 2005 is repealed.

12.2 This by-law comes into force on the final passing thereof.

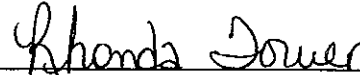
Read a first time this 11th day of February, 2008.

Read a second time this 11th day of February, 2008.

Read a third time and passed by Council this 10th day of March, 2008.



Mayor



Clerk

CODE

**NEW BRUNSWICK
REGULATION 84-86**

under the

**MUNICIPALITIES ACT
(O.C. 84-346)**

Filed May 9, 1984

Under section 93 of the *Municipalities Act*, the Lieutenant-Governor in Council makes the following Regulation:

- 1 This Regulation may be cited as the *Residential Properties Maintenance and Occupancy Code Approval Regulation - Municipalities Act*.
- 2 Pursuant to section 93 of the *Municipalities Act*, the Lieutenant-Governor in Council approves the code annexed to this Regulation as Schedule A for adoption by municipalities within New Brunswick.
- 3 *Regulation 73-71 under the Municipalities Act is repealed.*

**RÈGLEMENT DU
NOUVEAU-BRUNSWICK 84-86**

établi en vertu de la

**LOI SUR LES MUNICIPALITÉS
(D.C.84-346)**

Déposé le 9 mai 1984

En vertu de l'article 93 de la *Loi sur les municipalités*, le lieutenant-gouverneur en conseil établit le règlement suivant :

- 1 Le présent règlement peut être cité sous le titre : *Règlement portant approbation du code d'entretien et d'occupation des résidences - Loi sur les municipalités*.
- 2 Conformément à l'article 93 de la *Loi sur les municipalités*, le lieutenant-gouverneur en conseil approuve le code qui figure en annexe A en vue de son adoption par les municipalités du Nouveau-Brunswick.
- 3 *Est abrogé le règlement 73-71 établi en vertu de la Loi sur les municipalités.*

SCHEDULE A

RESIDENTIAL PROPERTIES
MAINTENANCE AND OCCUPANCY CODE

1 In this Code

“accessory building” means a building, fence or other structure the use of which is incidental to the use of a dwelling and which is located in the yard around the dwelling;

“dwelling” means a building any part of which is used or is intended to be used for the purposes of human habitation, whether or not the building is in such state of disrepair so as to be unfit for such purpose;

“dwelling unit” means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;

“habitable room” means any room, other than a non-habitable room, in a dwelling unit;

“medical health officer” means a medical health officer appointed under the *Health Act*, and includes a district medical health officer;

“non-habitable room” means any room or space in a dwelling used or intended to be used as a bathroom, toilet room, laundry, pantry, closet, recreation room, furnace room or other room or space for the service or maintenance of the dwelling, the lobby, communication corridor, stairway or other access for vertical travel between storeys and those areas of the dwelling intended for public use or access;

“owner” means any person entitled to any freehold or other estate or interest in land, at law or in equity, in possession, or in futurity or expectancy, such as a mortgagee, mortgagor, lessee under lease, tenant, occupant, licensee, permittee or any other person having care, control, domain and management over the premises or who receives any rent or pays municipal taxes in respect thereof;

“repair” means to take the necessary action to bring residential property to the standards prescribed herein;

“residential property” means a dwelling with the yard around it and any accessory building in such yard;

“sewage” means water-carried waste from residential property, together with such ground, surface and storm waters as may be present;

ANNEXE A

CODE D'ENTRETIEN ET D'OCCUPATION
DES RÉSIDENCES

I Dans le présent code

« bâtiment accessoire » désigne un bâtiment, une clôture ou autre construction, affecté à un usage accessoire à celui d'une habitation, qui est situé dans la cour qui entoure celle-ci;

« cour » désigne le terrain public ou privé entourant la totalité ou une partie d'une habitation et en dépendant, qui est ou peut être utilisé en rapport avec cette habitation;

« eaux usées » désigne les liquides de renvoi d'une résidence ainsi que les eaux souterraines, les eaux de surface et les eaux pluviales susceptibles de s'y trouver;

« habitation » désigne un bâtiment dont une partie sert ou est destinée à loger des personnes, que ce bâtiment soit ou non dans un état de délabrement qui le rende inhabitable;

« logement » désigne une ou plusieurs pièces situées dans une habitation et servant ou destinées à loger une ou plusieurs personnes;

« médecin-hygiéniste » désigne un médecin-hygiéniste nommé en vertu de la *Loi sur la santé* et s'entend également d'un médecin-hygiéniste régional;

« normes » désigne les normes régissant l'occupation et l'état matériel et prescrites par le présent règlement à l'égard des résidences;

« pièce habitable » désigne une pièce d'un logement, autre qu'une pièce non habitable;

« pièce non habitable » désigne toute pièce ou tout espace d'une habitation servant ou destiné à servir de salle de bain, de cabinet d'aisances, de buanderie, de garde-manger, de penderie, de salle de jeu ou de chaufferie ou toute autre pièce ou tout autre espace affecté au service ou à l'entretien de l'habitation, le foyer, les couloirs, les escaliers ou autres moyens d'accès aux étages supérieurs ou inférieurs ainsi que les endroits de l'habitation qui sont destinés au public ou auxquels le public a accès;

« propriétaire » désigne toute personne qui a droit à un droit en tenure libre ou à tout autre droit ou intérêt sur un bien-fonds, en droit ou en *equity*, actuel ou éventuel, tel qu'un créancier hypothécaire, un débiteur hypothécaire,

“sewer system” means the municipal sanitary sewer system where available or, otherwise, a private sewage disposal system that meets the requirements of regulations under the *Health Act*;

“standards” mean the standards of physical condition and of occupancy prescribed herein for residential property;

“yard” means the privately or publicly owned land around and appurtenant to the whole or any part of a dwelling which is used or capable of being used in connection with the dwelling.

2 The purpose of this Code is to establish standards governing the condition, occupancy and maintenance of residential property and providing safeguards for the safety, health and welfare of the general public and of occupants and users of residential property.

3(1) An officer appointed by a municipality to administer a by-law that adopts this Code has the right to enter, at all reasonable times, upon any property within the municipality for the purpose of making any inspection necessary for the administration or enforcement of the by-law.

3(2) Where an officer mentioned in subsection (1) is refused admittance to any property within the municipality, the officer may serve, or cause to be served, on the person having control of the property a demand that the officer, named therein, be permitted to enter upon such property in accordance with subsection (1).

3(3) Service may be effected under subsection (2) by personal delivery to the person having control of the property or by depositing the demand in the mail in a prepaid registered envelope addressed to such person at his last known address.

3(4) The service of a demand by mail as provided for in subsection (3) is deemed to be complete upon the expiration of six days after the deposit thereof in the mails.

3(5) Proof of the service of a demand in either manner provided for in subsection (3) may be given by a certifi-

un preneur à bail, un locataire, un occupant, le titulaire d'un droit ou permis d'usage ou toute autre personne ayant le soin, le contrôle, la propriété pleine et entière et la gestion des locaux ou qui en perçoit le loyer ou en paye les taxes municipales;

« réparer » signifie prendre les mesures qui s'imposent pour rendre la résidence conforme aux normes prescrites par le présent règlement et « réparation » a un sens analogue;

« réseau d'égout » désigne le réseau d'égout sanitaire municipal, s'il en est, ou un réseau privé d'évacuation des eaux usées qui satisfait aux prescriptions des règlements établis en vertu de la *Loi sur la santé*;

« résidence » désigne une habitation, la cour qui l'entoure et tout bâtiment accessoire se trouvant dans cette cour.

2 Le présent code a pour objet la fixation des normes régissant l'état, l'occupation et l'entretien des résidences et assurant des garanties en matière de sécurité, de santé et de protection du public et des occupants et usagers de ces résidences.

3(1) Un fonctionnaire qu'une municipalité désigne pour administrer un arrêté municipal portant adoption du présent code a le droit de pénétrer, à tout moment raisonnable, dans une propriété située dans la municipalité afin de procéder à toute inspection nécessaire à l'application ou à l'administration de l'arrêté.

3(2) Lorsque l'accès à une propriété située dans la municipalité est refusé à un fonctionnaire visé au paragraphe (1), le fonctionnaire peut signifier ou faire signifier à la personne sous l'autorité de laquelle est placée la propriété, l'ordre d'autoriser le fonctionnaire y nommé à pénétrer dans ladite propriété conformément au paragraphe (1).

3(3) La signification prévue au paragraphe (2) peut se faire par remise en main propre à la personne sous l'autorité de laquelle est placée la propriété ou par courrier recommandé, port payé, expédié à sa dernière adresse connue.

3(4) La signification d'un ordre par courrier de la façon prévue au paragraphe (3) est réputée avoir été faite six jours après sa mise à la poste.

3(5) La preuve qu'un ordre a été signifié de l'une des façons prévues au paragraphe (3) peut être établie au moyen

cate purporting to be signed by the officer which sets forth the name of the person on whom such demand was made and the time, place and manner of service thereof.

3(6) A document purporting to be a certificate of the officer made pursuant to subsection (5) shall

(a) be admissible in evidence without proof of the signature; and

(b) be conclusive proof that the demand was served on the person named in the certificate.

2002-62

4 A yard shall

(a) be properly graded to ensure rapid drainage of storm water therefrom to prevent ponding therein or the entry of water into a basement or cellar;

(b) be kept reasonably clean and free from rubbish or other debris and from objects, holes, excavations or other conditions that might create a health, fire or accident hazard; and

(c) be maintained free of rag weed, poison ivy, poison sumac and other noxious plants.

5(1) Sewage shall be discharged into a sewer system.

5(2) Inadequately treated sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

6 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

7(1) Any accessory building shall be kept in good repair and free from any condition that constitutes or is apt to create a health, fire or accident hazard.

7(2) The exterior of an accessory building shall be kept weather resistant through the use of appropriate weather resistant materials, including paint and other preservatives.

d'un certificat présenté comme étant signé par le fonctionnaire et indiquant le nom de la personne à laquelle l'ordre a été donné ainsi que l'heure, la date, le lieu et le mode de signification.

3(6) Un document présenté comme étant un certificat établi par le fonctionnaire en vertu du paragraphe (5)

a) est admissible en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature; et

b) constitue une preuve péremptoire de la signification de l'ordre à la personne nommée dans le certificat.

2002-62

4 La cour

a) doit être convenablement nivelée afin d'assurer l'écoulement rapide des eaux pluviales et d'en empêcher l'accumulation ou la pénétration dans une cave ou un sous-sol;

b) doit être tenue raisonnablement propre et exempte d'ordures ou autres débris ainsi que d'objets, de trous, d'excavations ou d'autres choses susceptibles de constituer un risque pour la santé ou de provoquer un accident ou un incendie; et

c) doit être exempte d'herbe à poux, d'herbe à puce, de sumac verni et autres plantes nuisibles.

5(1) Les eaux usées doivent se déverser dans un réseau d'égout.

5(2) Les eaux usées inadéquatement traitées ne doivent pas être déversées sur le sol, que ce soit dans un système naturel ou artificiel de drainage de surface ou ailleurs.

6 Les marches, trottoirs, entrées, espaces de stationnement et autres endroits analogues d'une cour doivent être entretenus de façon à en permettre un usage sûr dans des conditions atmosphériques et d'utilisation normales.

7(1) Tout bâtiment accessoire doit être gardé en bon état de réparation et ne rien renfermer qui puisse provoquer un incendie ou un accident ou constituer un risque pour la santé.

7(2) Le revêtement extérieur d'un bâtiment accessoire doit être protégé contre les intempéries au moyen de matériaux appropriés, notamment la peinture et autres agents de préservation.

- 7(3) Where an accessory building or any condition in a yard harbours noxious insects or rodents, all necessary steps shall be taken to eliminate them and to prevent their reappearance.
- 7(4) Dangerous accumulations of snow or ice or both shall be removed from the roof of an accessory building.
- 7(5) If an accessory building is not maintained in accordance with the standards mentioned in this section, it shall be removed from the yard.
- 8(1) Every dwelling unit shall be provided with such receptacles as may be necessary to contain all garbage, rubbish and ashes that accumulate therein or in the yard.
- 8(2) Receptacles mentioned in subsection (1) shall
- (a) be made of metal or plastic;
 - (b) be of watertight construction;
 - (c) be provided with a tight-fitting cover; and
 - (d) be maintained in a clean state.
- 8(3) Garbage, rubbish and ashes shall be promptly stored in receptacles described in subsection (2), and shall be removed therefrom in accordance with regulations of the municipality where applicable or, otherwise, at least once during each week.
- 8(4) Materials of an inflammable nature shall be safely stored or removed at once from the residential property.
- 9 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use.
- 10(1) A foundation wall of a dwelling shall be maintained so as to prevent the entrance of moisture, insects and rodents.
- 10(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, waterproofing the wall and joists and using other suitable means of maintenance.
- 7(3) Lorsqu'il existe des insectes ou des rongeurs nuisibles dans un bâtiment accessoire ou une cour, toutes les mesures nécessaires doivent être prises pour les exterminer et empêcher leur retour.
- 7(4) Le toit des bâtiments accessoires doit être débarrassé des accumulations dangereuses de neige et de glace.
- 7(5) Tout bâtiment accessoire qui n'est pas entretenu conformément aux normes visées au présent article doit être enlevé de la cour.
- 8(1) Chaque logement doit être doté des récipients nécessaires pour contenir la totalité des ordures, déchets et cendres du logement ou de la cour.
- 8(2) Les récipients visés au paragraphe (1) doivent être
- a) en métal ou en matière plastique;
 - b) étanches;
 - c) munis d'un couvercle fermant hermétiquement; et
 - d) gardés propres.
- 8(3) Les ordures, déchets et cendres doivent être placés dans les récipients visés au paragraphe (2) sans délai et en être enlevés conformément aux arrêtés municipaux, s'il en est, ou, à défaut, au moins une fois par semaine.
- 8(4) Les matériaux inflammables doivent être entreposés en lieu sûr ou enlevés sur-le-champ de la propriété résidentielle.
- 9 Chaque partie d'une habitation doit être gardée dans un état structural sûr de façon à pouvoir supporter en toute sécurité son propre poids ainsi que tout poids susceptible de s'y ajouter dans le cadre d'une utilisation normale.
- 10(1) Le mur de fondation d'une habitation doit être entretenu de façon à empêcher l'entrée d'insectes et de rongeurs et la pénétration d'humidité.
- 10(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend l'étaiyage des murs, si besoin est, l'installation de drains souterrains à la base de la construction, l'obturation des fentes de la maçonnerie, l'imperméabilisation des murs et des solives et l'emploi d'autres moyens appropriés d'entretien.

- 11(1) An exterior wall of a dwelling and its components shall be maintained so as to prevent its deterioration as a result of weather and insects.
- 11(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, restoring or repairing the wall, coping or flashing, waterproofing joints or the wall itself, installing or repairing termite shields, and using other suitable means of maintenance.
- 12(1) A roof of a dwelling shall be maintained in a watertight condition so as to prevent leakage into the dwelling.
- 12(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing the roof and flashing, applying waterproof coatings, installing or repairing eavestrough and rain water piping and using other suitable means of maintenance.
- 12(3) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling.
- 13(1) Windows, exterior doors and basement or cellar hatchways of a dwelling shall be maintained so as to prevent the entrance of wind and precipitation into the dwelling.
- 13(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes painting, renewing rotted or damaged doors, door frames, window frames, sashes and casing, refitting doors and windows, weather stripping, replacing defective door and window hardware, reglazing and using other suitable means of maintenance.
- 14(1) An inside or outside stair or porch shall be maintained so as to be free of holes, cracks and any other condition that may constitute an accident hazard.
- 14(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing
- (a) treads or risers that show excessive wear or are broken, warped or loose; and
- (b) supporting structural members that are rotted or deteriorated.
- 11(1) Le mur extérieur d'une habitation et ses éléments doivent être entretenus de façon à empêcher leur détérioration par les intempéries et les insectes.
- 11(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la peinture, la restauration ou la réparation du mur, la pose d'un couronnement ou d'un solin, l'imperméabilisation des solives ou du mur même, l'installation ou la réparation de revêtements de protection contre les termites et l'emploi d'autres moyens appropriés d'entretien.
- 12(1) Le toit de l'habitation doit être maintenu étanche afin d'empêcher l'eau d'y pénétrer.
- 12(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation du toit et des solins, l'application d'enduits imperméables, l'installation ou la réparation des gouttières et des descentes pluviales et l'emploi d'autres moyens appropriés d'entretien.
- 12(3) Le toit de l'habitation doit être débarrassé des accumulations dangereuses de neige ou de glace.
- 13(1) Les fenêtres, les portes extérieures et les trappes de sous-sol ou de cave d'une habitation doivent être entretenues de façon à empêcher que le vent et les précipitations n'y pénètrent.
- 13(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la peinture, le remplacement des portes, encadrements de porte, dormants, châssis et encadrements de fenêtre pourris ou endommagés, le rajustement des portes et fenêtres, la pose de coupe-bise, le remplacement de la ferronnerie défectueuse des portes et fenêtres, la pose de nouveaux vitrages et l'emploi d'autres moyens appropriés d'entretien.
- 14(1) Les escaliers ou porches intérieurs ou extérieurs doivent être entretenus de façon à ne comporter aucun trou ni aucune fissure ou autre chose susceptible de provoquer un accident.
- 14(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation ou le remplacement
- a) des girons ou contremarches trop usés, cassés, gauchis ou branlants; et
- b) des éléments de soutènement qui sont pourris ou détériorés.

14(3) On an open side of a stairway, balcony, landing or stairwell, a handrail or banister shall be installed so as to provide reasonable protection against accident or injury.

15(1) Every chimney, smoke pipe and flue servicing a dwelling shall be maintained so as to prevent gases from leaking into the dwelling.

15(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes cleaning the flue of obstructions, sealing open joints, repairing masonry and using other suitable means of maintenance.

16(1) Every fireplace used or intended to be used in a dwelling for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members will not be heated to unsafe temperatures.

16(2) Without limiting the generality of subsection (1), maintenance mentioned therein includes securing connection to a chimney that complies with standards hereof, lining with fire-resistant material, repairing and relining, and installing, repairing and replacing the hearth.

17(1) Every interior wall and ceiling in a dwelling shall be maintained so as to be free of large holes, cracks and loose plaster or other material, the collapse of which might cause injury.

17(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or filling holes and cracks and removing and replacing loose or defective sections.

17(3) The surface of wall or ceiling mentioned in subsection (1) shall be finished so as to be reasonably smooth, clean, tight and easily cleaned.

18(1) Subject to section 19, every floor in a dwelling shall be maintained so as to be free of loose, warped, protruding, broken or rotted boards that might cause an accident, or admit rodents into the dwelling.

18(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing floor boards and repairing, replacing or removing any floor covering that has become unduly worn or torn so that it retains dirt.

14(3) Une rampe ou une main-courante doit être installée du côté ouvert d'un escalier, d'un balcon, d'un palier ou d'une cage d'escalier de façon à offrir une protection raisonnable contre les accidents ou les blessures.

15(1) Les cheminées, tuyaux de cheminée et conduits de cheminée d'une habitation doivent être entretenus de façon à empêcher la pénétration de gaz dans l'habitation.

15(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend le ramonage des conduits de cheminée, le remplissage des joints ouverts, la réparation de la maçonnerie et l'emploi d'autres moyens appropriés d'entretien.

16(1) Les foyers d'une habitation servant ou destinés à brûler du combustible à l'air libre doivent être entretenus de façon à empêcher que les matériaux et éléments portant des combustibles ne soient chauffés à des températures dangereuses.

16(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend le raccordement à une cheminée conforme aux normes fixées par le présent règlement, la pose d'un revêtement intérieur ignifuge, la réparation et la pose d'un nouveau revêtement et l'installation, la réparation et le remplacement de l'âtre.

17(1) Les murs intérieurs et les plafonds d'une habitation doivent être exempts de trous, de lézardes et de plâtre ou autres matériaux mal fixés dont l'affaissement pourrait provoquer des blessures.

17(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation ou le colmatage des trous et lézardes et l'enlèvement ou le remplacement des sections mal fixées ou défectueuses.

17(3) La surface des murs ou plafonds visés au paragraphe (1) doit être finie de façon à être raisonnablement lisse, propre et étanche et facilement lavable.

18(1) Sous réserve de l'article 19, tous les planchers d'une habitation doivent être exempts de planches branlantes, gauchies, saillantes, brisées ou pourries susceptibles de provoquer un accident ou de permettre aux rongeurs de pénétrer dans l'habitation.

18(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend la réparation ou le remplacement des planches ainsi que la réparation, le remplacement ou l'enlèvement d'un revêtement de plancher usé et déchiré à un point tel qu'il garde la saleté.

19(1) A bathroom floor or toilet floor shall be maintained so as to be reasonably impervious to water and to permit easy cleaning.

19(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes installing, repairing, refinishing and replacing the floor or floor covering so as to provide the waterproof and cleaning conditions required.

20 In addition to other standards pertaining thereto, every floor, wall, ceiling, furnishing and fixture in a dwelling or dwelling unit shall be maintained in a clean and sanitary condition.

21(1) A dwelling shall be kept free of rodents and insects at all times, and methods used for exterminating rodents or insects or both shall conform with generally accepted practice.

21(2) A basement or cellar window used or intended to be used for ventilation, and any other opening in a basement or cellar that might let in rodents shall be screened with wire mesh or such other material as will effectively exclude rodents.

21(3) During the time of year when insects may enter a dwelling, each outside door shall be equipped with a self-closing device, and every opening that opens to outdoor space, used or intended to be used for ventilation, shall be appropriately screened with wire mesh or such other material as will effectively exclude insects.

22(1) Plumbing is not required to be contained in a dwelling or dwelling unit but, where it is so contained, it shall be connected to a sewer system in such manner as to discharge all wastes therefrom into such system.

22(2) All plumbing, whether a drain pipe, water pipe, water closet connecting line to the sewer system, or any other plumbing fixture, shall be maintained in good working order and free from leaks and defects.

23(1) Where a dwelling contains plumbing, the following shall be supplied and maintained in good working order, connected to the sewer system, and accessible to and available for each ten or fewer persons or each family occupying the dwelling:

19(1) Le plancher des salles de bain ou cabinets d'aisances doit être entretenu de façon à être raisonnablement imperméable et facile à nettoyer.

19(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé comprend l'installation, la réparation, la remise à neuf et le remplacement du plancher ou du revêtement de façon à obtenir l'imperméabilité et la facilité de nettoyage requises.

20 Outre les autres normes y afférentes, les planchers, murs, plafonds, objets mobiliers et objets fixés à demeure d'une habitation ou d'un logement doivent être maintenus en bon état de propreté et de salubrité.

21(1) Toute l'habitation doit être exempte, en tout temps, de rongeurs et d'insectes et les mesures prises pour les exterminer doivent être conformes aux méthodes généralement reconnues.

21(2) Les fenêtres d'un sous-sol ou d'une cave servant ou destinées à la ventilation ainsi que toute autre ouverture d'une cave ou d'un sous-sol, susceptible de permettre l'entrée de rongeurs doivent être dotées d'un grillage métallique ou autre, efficace contre les rongeurs.

21(3) Pendant la saison où des insectes peuvent entrer dans une habitation, chaque porte extérieure doit être munie d'un dispositif de fermeture automatique et chaque ouverture sur l'extérieur servant ou destinée à la ventilation doit être adéquatement dotée d'un grillage métallique ou autre, efficace contre les insectes.

22(1) Il n'est pas obligatoire qu'une habitation ou un logement soit doté d'une installation de plomberie, mais le cas échéant, elle doit être raccordée à un réseau d'égout dans lequel la totalité des eaux-vannes et des eaux usées se déversent.

22(2) Toute la plomberie, et notamment les tuyaux de drainage, tuyaux d'alimentation en eau, tuyaux de raccordement des toilettes au réseau d'égout ou autres installations de plomberie, doivent être maintenus en bon état de fonctionnement et exempts de fuites et de défauts.

23(1) Lorsqu'une habitation est dotée d'une installation de plomberie, les équipements suivants doivent être fournis et maintenus en bon état de fonctionnement, raccordés au réseau d'égout et accessibles et offerts à chaque famille ou à chaque groupe de dix personnes ou moins qui occupe l'habitation

(a) a toilet, served with cold running water;

(b) a wash basin, served with hot and cold running water; and

(c) a bathtub or shower, served with hot and cold running water.

23(2) Hot water mentioned in subsection (1) shall be served at such temperature that it may be drawn from any tap at a temperature of not less than forty-four degrees Celsius.

23(3) Where a dwelling does not contain plumbing, toilet and bathroom facilities shall be supplied and maintained at a standard and in a manner which, in the opinion of a medical health officer, does not constitute a health hazard and is not apt to create such hazard.

23(4) Where a toilet is required by subsection (1), it shall be located within and accessible from within the dwelling.

23(5) Where a toilet or urinal is used by the occupants of more than one dwelling unit, the room in which it is located shall be accessible only from a common hall.

23(6) A toilet or urinal shall not be located within a room that is used for

(a) the preparation, cooking, storage or consumption of food; or

(b) sleeping purposes.

23(7) A wash basin served by running water draining into a sewer system shall be located in any room that contains a toilet or in an adjoining room.

24 In a dwelling which contains plumbing, each dwelling unit shall be supplied with hot and cold running water facilities with a draining sink connected to the sewer system, a continuous supply of hot and cold running water and all such facilities shall be maintained in good working order.

25(1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of twenty-one degrees Celsius at 1.5 metres above floor level

a) un cabinet d'aisances alimenté en eau courante froide;

b) une cuvette de lavabo alimentée en eau courante chaude et froide; et

c) une baignoire ou une douche, alimentée en eau courante chaude et froide.

23(2) L'eau chaude visée au paragraphe (1) doit être à une température telle qu'elle puisse être tirée de n'importe quel robinet à une température minimale de quarante-quatre degrés Celsius.

23(3) Lorsqu'une habitation n'est pas dotée d'une installation de plomberie, des installations d'aisances et de salle de bain doivent être fournies et maintenues d'une manière et selon un degré de qualité qui, de l'avis d'un médecin-hygiéniste, ne constituent ni ne sont susceptibles de constituer un risque pour la santé.

23(4) Lorsqu'un cabinet d'aisances est requis par le paragraphe (1), il doit être situé dans l'habitation et accessible depuis l'intérieur de celle-ci.

23(5) Lorsqu'un cabinet d'aisances ou un urinoir est utilisé par les occupants de plusieurs logements, la salle dans laquelle il se trouve ne doit être accessible que depuis un couloir commun.

23(6) Il est interdit d'installer un cabinet d'aisances ou un urinoir dans une salle servant

a) à la préparation, la cuisson, l'entreposage ou la consommation d'aliments; ou

b) de chambre à coucher.

23(7) Une cuvette de lavabo alimentée en eau courante se déversant dans un réseau d'égout doit être installée dans toute salle renfermant un cabinet d'aisances ou dans une salle contiguë.

24 Chaque logement d'une habitation dotée d'une installation de plomberie doit être muni d'installations d'eau courante chaude et froide avec évier de vidange relié au réseau d'égout, approvisionnées de façon continue en eau courante chaude et froide et maintenues en bon état de fonctionnement.

25(1) Chaque habitation doit être dotée d'un système de chauffage pouvant maintenir une température de 21 degrés Celsius à 1,5 mètre du sol dans la totalité des pièces

in all habitable rooms, bathrooms and toilet rooms when the temperature outside the dwelling is -30 degrees Celsius.

25(2) A heating system mentioned in subsection (1) shall be maintained in good working condition so as to be capable of safely heating the dwelling to the required standard room temperature.

25(3) Where the temperature in a dwelling or dwelling unit is not controlled by the occupants thereof, such dwelling or dwelling unit shall be heated to twenty-one degrees Celsius during the hours between seven o'clock in the morning and eleven o'clock in the afternoon.

25(4) Notwithstanding subsection (3), the temperature required thereby applies only during the hours specified and such temperature may be reduced and maintained at eighteen degrees Celsius during all other hours.

25(5) Without restricting the generality of subsection (2), maintenance mentioned therein includes

(a) keeping rigid connections between a chimney or flue and any heating equipment, including cooking equipment, that burns fuel;

(b) keeping rigid connections between equipment mentioned in paragraph (a) and its fuel supply line; and

(c) keeping equipment that is not mentioned in paragraph (a) and that burns gaseous fuel properly vented to a duct leading to an outdoor space.

25(6) No gas appliance of any kind may be installed or maintained in working condition with a gas supply in a room used or intended to be used for sleeping purposes.

25(7) No person may use a room for sleeping purposes, or permit its use for such purpose, if the room contains any type of gas appliance in working condition with a gas supply.

25(8) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and

habitable, salles de bain et de toilette, lorsque la température extérieure est de 30 degrés Celsius au-dessous de zéro.

25(2) Le système de chauffage visé au paragraphe (1) doit être maintenu en bon état de fonctionnement de façon à pouvoir chauffer sans risque l'habitation à la température normale requise.

25(3) Lorsque la température d'une habitation ou d'un logement n'est pas réglée par ses occupants, l'habitation ou le logement doit être chauffé à 21 degrés Celsius de sept heures à vingt-trois heures.

25(4) Nonobstant le paragraphe (3), la température qui y est requise ne s'applique qu'aux heures spécifiées et peut être ramenée et maintenue à dix-huit degrés Celsius en tout autre temps.

25(5) Sans limiter la portée générale du paragraphe (2), l'entretien y visé consiste notamment à

a) maintenir des raccordements rigides entre la cheminée ou le conduit de cheminée et tout appareil de chauffage à combustible, y compris les appareils de cuisson;

b) maintenir des raccordements rigides entre les appareils visés à l'alinéa a) et leur source d'alimentation en combustible; et

c) faire en sorte que les appareils non visés à l'alinéa a), qui brûlent des combustibles gazeux soient raccordés convenablement à une colonne d'évent donnant sur l'extérieur.

25(6) Aucun appareil à gaz ne peut être installé ou gardé en état de fonctionner avec son approvisionnement en gaz, dans une pièce servant ou destinée à servir de chambre à coucher.

25(7) Nul ne peut utiliser une pièce comme chambre à coucher ni autoriser une telle utilisation si cette pièce contient un type quelconque d'appareil à gaz en état de fonctionner, avec son approvisionnement en gaz.

25(8) Lorsque tout ou partie d'un système de chauffage ou un système de chauffage auxiliaire consomme du combustible solide ou liquide, il doit être prévu, pour l'entre-

maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

2002-62

26(1) All electrical wiring, equipment and appliances located or used in a dwelling shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard.

26(2) Without restricting the generality of subsection (1), maintenance mentioned therein includes repairing or replacing defective wiring and equipment, installing additional circuits and any other repairs, alterations or installations required by or which may be required pursuant to regulation under the *Electrical Installation and Inspection Act*.

26(3) When the capacity of a circuit within a dwelling or dwelling unit is in full or nearly full use, as indicated by the amperage or wattage requirements shown on the appliance or appliances in use, no person shall use an additional appliance so as to increase the use beyond the capacity of the circuit.

27(1) In a dwelling unit in which the occupants prepare food for their own consumption, or are intended to or are permitted to so prepare food, a suitable and convenient receptacle for storage of food, containing at least 0.4 cubic metres of space, shall be maintained in good repair and in a clean state.

27(2) Some part of the storage space mentioned in subsection (1) shall be capable of sustaining a temperature low enough to preserve perishable foods for a reasonable time.

28 Every dwelling and each dwelling unit within it shall have a safe, continuous and unobstructed passage from the interior of the dwelling or dwelling unit to the outside of the dwelling at street or grade level.

29(1) A source of light, such as a window, skylight, transparent or translucent panel, or a combination thereof, that faces directly on open space at least one metre wide and at least fifteen centimetres above the 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 ten percent of the floor area of the

posage dudit combustible, un endroit ou un récipient commode, construit de façon à empêcher les risques d'accident ou d'incendie.

2002-62

26(1) Le câblage, le matériel et les appareils électriques situés ou utilisés dans une habitation doivent être maintenus en bon état de fonctionnement de façon à éviter les risques d'incendie ou de décharge électrique.

26(2) Sans limiter la portée générale du paragraphe (1), l'entretien y visé consiste notamment à réparer ou remplacer les fils ou le matériel défectueux, à installer des circuits supplémentaires et à effectuer les autres réparations, modifications ou installations requises par la *Loi sur le montage et l'inspection des installations électriques* ou qui peuvent être requises par le règlement d'application de ladite loi.

26(3) Lorsque la capacité d'un circuit électrique d'une habitation ou d'un logement est utilisée au maximum ou presque, comme l'indique l'ampérage ou le wattage indiqué sur l'appareil ou les appareils en usage, nul ne doit utiliser d'appareils supplémentaires de façon à dépasser la capacité du circuit.

27(1) Tout logement dont les occupants préparent ou peuvent préparer des aliments pour leur propre consommation doit être doté d'une dépense adéquate et commode d'au moins 0,4 mètre cube pour l'entreposage des produits alimentaires, cette dépense devant être tenue en bon état de réparation et de propreté.

27(2) Une partie de l'espace d'entreposage visé au paragraphe (1) doit pouvoir garder une température suffisamment basse pour préserver des denrées périssables pendant une période raisonnable.

28 Chaque habitation et chacun de ses logements doivent disposer d'une voie de passage sûre, directe et exempte d'obstacles depuis l'intérieur de l'habitation ou du logement jusqu'à l'extérieur de l'habitation au niveau du sol ou de la rue.

29(1) Chaque pièce habitable doit disposer d'une source lumineuse tel que fenêtre, lucarne faîtière, panneau transparent ou translucide ou une combinaison de ceux-ci, cette source lumineuse devant être maintenue en bon état, donner directement sur un espace libre d'au moins un mètre de large et au moins à quinze centimètres au-dessus du niveau du sol fini ou du toit contigu et laisser pénétrer

room, shall be provided and maintained in good repair in every habitable room.

29(2) The open space opposite a source of light shall not be obstructed in any way and, if it is obstructed, the light source facing the open space so obstructed shall not be included in calculating the area of light source for the room.

29(3) Every bathroom and toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

29(4) Every stairway, hall, cellar and basement, and every laundry room, furnace room and similar non-habitable work room in a dwelling shall have adequate artificial light available at all times.

30(1) Every habitable room, bathroom and toilet room shall have adequate ventilation.

30(2) Where an aperture such as a window, skylight or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open and closed.

30(3) Where a dwelling or dwelling unit is ventilated by a system of mechanical ventilation or air conditioning, the system shall be maintained in good working order.

31(1) A non-habitable room shall not be used as a habitable room.

31(2) A dwelling unit shall have at least 9.3 square metres of habitable room floor area for each person resident therein.

31(3) Subject to subsection (5), a habitable room used for sleeping purposes shall have a floor area of at least

(a) 5.6 square metres, if so used by only one person; and

(b) 3.5 square metres per person, if so used by more than one person.

31(4) A habitable room shall be 2.2 metres in height over at least one half of the floor area.

autant de lumière naturelle que le ferait un vitrage transparent dont la surface serait égale à dix pour cent de l'aire de plancher de la pièce.

29(2) L'espace libre sur lequel donne une source lumineuse ne doit être obstrué d'aucune façon; dans le cas contraire, la source lumineuse donnant sur un tel espace ne doit pas entrer dans le calcul de l'aire de la source lumineuse de la pièce.

29(3) Les salles de bain et de toilette doivent être dotées en permanence d'un appareil d'éclairage artificiel maintenu en bon état de fonctionnement.

29(4) Les escaliers, entrées, caves et sous-sol ainsi que les buanderies, chaufferies et autres locaux de travail non habitables analogues doivent être dotés d'une lumière artificielle suffisante utilisable en tout temps.

30(1) Une ventilation adéquate doit être assurée dans les pièces habitables, salles de bain et salles de toilette.

30(2) Lorsqu'une ouverture tel que fenêtre, lucarne faîtière ou évent à lames sert à la ventilation, elle doit être maintenue de façon à pouvoir être ouverte, gardée ouverte ou fermée, en tout temps.

30(3) Lorsqu'une habitation ou un logement est ventilé mécaniquement ou climatisé, le système doit être maintenu en bon état de fonctionnement.

31(1) Une pièce non habitable ne peut servir de pièce habitable.

31(2) Chaque logement doit compter au moins 9,3 mètres carrés d'aire de plancher de pièce habitable par occupant.

31(3) Sous réserve du paragraphe (5), une pièce habitable servant de chambre à coucher doit compter une aire de plancher d'au moins

a) 5,6 mètres carrés, si elle sert à une seule personne; et

b) 3,5 mètres carrés par personne, si elle sert à plus d'une personne.

31(4) Chaque pièce habitable doit avoir 2,2 mètres de hauteur sur la moitié au moins de l'aire de plancher.

31(5) For the purposes of computing a floor area under subsection (3), any part of the floor under a ceiling that is less than 1.5 metres above the floor shall not be counted.

N.B. This Regulation is consolidated to September 30, 2002.

31(5) Pour les besoins du calcul d'une aire de plancher en application du paragraphe (3), il faut exclure toute partie du plancher se trouvant sous un plafond qui est à moins de 1,5 mètre du sol.

N.B. Le présent règlement est refondu au 30 septembre 2002.

QUEEN'S PRINTER FOR NEW BRUNSWICK © IMPRIMEUR DE LA REINE POUR LE NOUVEAU-BRUNSWICK
All rights reserved / Tous droits réservés

