



SANITATION, THE OCCUPANCY, AND MAINTENANCE OF DWELLINGS.

NUMBER 762

**SANITATION, THE OCCUPANCY, AND MAINTENANCE OF DWELLINGS.
By-law**

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Amended and consolidated version

NOTICE

The consolidation of By-laws and annexes is not official. It has been compiled on January 22, 2024, by the Town Clerk's office to facilitate the reading of the text. The official text is to be found in the original By-law and in each of its amendments.

Amendments included in this version

Number	Purpose	Notice of motion	Coming into force
762-1	Amendment to: Title 2 nd Sub-section of Section 1 Articles: 7.1,7.2,8.1,9.5,9.7,11.1, and 11.2.	3 April 2023	1 May 2023

**TOWN OF HAMPSTEAD
PROVINCE OF QUEBEC**

BY-LAW NUMBER 762

***BY-LAW CONCERNING THE
SANITATION, THE OCCUPANCY
AND MAINTENANCE OF
DWELLINGS***

(762-1, sec.2, 1/05/2023)

WHEREAS Notice of motion of the present By-law was given at the Council meeting held on July 4, 2007;

ON JULY 18, 2007, THE COUNCIL DECREES AS FOLLOWS:

1. DEFINITIONS

In this By-law, unless the text indicates a different meaning, the following definitions shall apply:

- 1.1 “competent authority” the Director of Public Works and/or his delegate;
- 1.2 “*dwelling*” a unit or a suite of rooms used or intended to be used as a domicile by one or more persons, and usually containing cooking, eating, sleeping and sanitary facilities.
(762-1, sec.1, 1/05/2023)
- 1.3 “habitable space” a space or a room used or intended to be used for cooking or eating, sleeping or living purposes, excluding a bathroom, a water closet, a storage space, a closet, and a laundry room;

The words that are not defined in above articles have the same meaning *as in the Construction Code and its revisions.*
(762-1, sec.3, 1/05/2023)

2. APPLICATION

- 2.1 This By-law applies to the entire Town territory.
- 2.2 This By-law applies to any building or part of a building serving or intended to serve for residential purposes, and to outbuildings, in particular a shed, a balcony, a garage, referred to as “building”.
- 2.3 This By-law does not apply to a building that is exclusively a public building.

3. ADMINISTRATION

3.1 Powers

3.1.1 The competent authority may enter a building or a **dwelling**, visit it and inspect it for the purposes of this by-law. (762-1, sec.1, 1/05/2023)

3.1.2 The competent authority must, on request, show an identification card bearing his photograph, as issued by the Town.

3.1.3 Every person must allow the competent authority to enter a building without interfering with his work.

3.1.4 The occupants of a **dwelling** where extermination is to be performed under this by-law may not refuse access to the competent authority or to the exterminator. They must, if required, clean and prepare the premises for the extermination. (762-1, sec.1, 1/05/2023)

3.1.5 The competent authority may conduct tests and take photographs or make video recordings in a building or any adjacent part.

3.1.6 The competent authority may, in the exercise of powers conferred under this by-law, require any information relating to the application of the By-law, and the production of any related document.

3.1.7 The competent authority may, after corrective measures taken in accordance with this By-law, require the owner of a building to carry out or have a test, an analysis or a verification carried out, or check materials, equipment or systems to ensure compliance with this By-law, and to provide a certificate of compliance, safety and good working order.

3.1.8 The competent authority may, after corrective measures taken in accordance with this By-law, install a measuring instrument or order the owner of a building to install one and to provide him with the data collected.

3.1.9 All measures taken under this By-law must be in accordance with standards of good practice.

3.2 Intervention of the Town

3.2.1 Every owner of a building must meet the standards set under this By-law.

3.2.2 The competent authority, may, in case of default by the owner of an immovable, use any recourse prescribed by Law to ensure the enforcement of this By-law or to remove any unsanitary conditions, at the owner's expenses. The costs incurred by the Town for any measure taken under this By-law, constitute a charge equivalent to the property tax against the immovable.

3.3 Assessment of a Building or a Dwelling (762-1, sec.1, 1/05/2023)

3.3.1 The competent authority may issue a notice ordering the evacuation and the closing of a building or a **dwelling** that is not in accordance with this By-law. (762-1, sec.1, 1/05/2023)

3.3.2. The personal property on the premises whose evacuation and closing were ordered may be moved to a location determined by the competent authority and is entrusted to his care.

3.3.3 The competent authority may post a copy of the evacuation notice on the building and on the **dwelling** concerned. (762-1, sec.1, 1/05/2023)

- 3.3.4 No evacuation notice may be soiled, altered, torn up or removed.
- 3.3.5 A building or part of a building that is evacuated under this By-law or that is vacant must be closed or boarded up to prevent access and to avoid accidents. Where a building or a structure constitutes a hazard due to construction work, fire, structural instability or any other cause, the owner must take proper action, including the demolition of all or part of the building or structure, to eliminate the unsafe condition.
- 3.3.6 No building or **dwelling** that is evacuated and closed down in accordance with this By-law may be inhabited again until the work required to bring it into compliance with By-laws and regulations has been carried out.
(762-1, sec.1, 1/05/2023)

4. SANITATION

- 4.1 No building or **dwelling** may constitute a public health or an occupant and public safety hazard because of the use that is made of it or the condition it is in. The following are prohibited and must be eliminated:
(762-1, sec.1, 1/05/2023)
- a) uncleanliness, deterioration or obstruction of a main building, **dwelling** or accessory building;
(762-1, sec.1, 1/05/2023)
 - b) presence of dead animals;
 - c) storage or use of products or materials that give off noxious odours or toxic fumes;
 - d) disposal of household waste, refuse or recyclable materials elsewhere than in containers provided for that purpose;
 - e) obstruction of a means of egress;
 - f) obstacle preventing the closing and locking of a door in a prescribed fire separation;
 - g) presence of ice or condensation on an interior surface other than a window;
 - h) accumulation of debris, materials, spoiled or putrid matter, or any other state of uncleanliness;
 - i) presence of vermin, rodents, insects or visible moulds, and conditions favouring their proliferation.
 - j) uncleanliness and deterioration of a balcony, deck, porch or a veranda;
 - k) obstruction of balconies, decks, porches, verandas or exterior ramp by home appliances, furniture, tires, building materials, and stored object, any trash, any metal part and any other kind of obstruction.
- 4.2 All parts or accessories of a **dwelling** or a building, other than those referred to in this By-law, must be maintained in good condition and be used for their intended purposes.
(762-1, sec.1, 1/05/2023)

5. MAINTENANCE

- 5.1 All building components must be solid enough to withstand the live and dead loads to which they may be subjected, and be repaired or replaced as needed.

- 5.2 The envelope of a building, such as a roof, an exterior wall, or a foundation, must be weatherproof.
- 5.3 The openings in the envelope of a building, such as door and a window, and their periphery, must be weatherproof.
- 5.4 There may be no presence or accumulation of water or moisture causing damage to the structure or finishes, or presence of visible moulds.
- 5.5 The floor of a crawl space or a cellar must be dry.
- 5.6 The floor of a bathroom and a water closet and the walls around the shower or bathtub must be moisture proof, covered with a watertight finish or facing, and maintained in good condition to prevent water infiltration into adjacent partitions.
- 5.7 The floor of a common laundry room must be moisture-proof, covered with a watertight finish or facing, and maintained in good condition. It must also be cleaned regularly to keep the laundry room in sanitary condition.
- 5.8 The refuse chutes, waste and recyclable material containers, and areas reserved for their storage must be kept in good condition, and cleaned regularly to keep the areas in sanitary condition.

6. BASIC DWELLING EQUIPMENT (762-1, sec.1, 1/05/2023)

- 6.1 A **dwelling** must be provided with drinking water supply, plumbing, heating and lighting systems, which must always be maintained in good working order and be used for their intended purposes. (762-1, sec.1, 1/05/2023)
- 6.2 A **dwelling** must be provided with at least:
 - a) a kitchen sink;
 - b) a water closet;
 - c) a lavatory;
 - d) a bathtub or shower.

These facilities must all be directly connected to the plumbing system. (762-1, sec.1, 1/05/2023)
- 6.3 The kitchen sink, lavatory and bathtub or shower must be supplied with cold and hot water; the hot water temperature may not be less than 45 C°.
- 6.4 A **dwelling** must be provided with a permanent heating system in good working order, allowing the occupant to maintain a minimum temperature of 21 C° in habitable spaces. That temperature should be maintained until the outdoor temperature is below -23 C°. The temperature inside a **dwelling** should be measured in the middle of each habitable space, 1 m from the floor. (762-1, sec.1, 1/05/2023)
- 6.5 A vacant **dwelling** or a non-habitable space must be provided with a permanent heating system that will maintain a minimum temperature of 15 C°. (762-1, sec.1, 1/05/2023)

7. AREAS AND HEIGHTS

- 7.1 ***The total area of habitable spaces of a dwelling must conform with the requirements of the Construction Code and its revisions.*** (762-1, sec.4, 1/05/2023)

7.2 *The clear height of a habitable space must conform with the requirements of the Construction Code and its revisions.*
(762-1, sec.5, 1/05/2023)

8. WINDOW LAYOUT AND LIGHTING

8.1 *The minimum glazed area of a habitable space must conform with the requirements of the Construction Code and its revisions.*
(762-1, sec.6, 1/05/2023)

8.2 The electrical system of a **dwelling** must provide lighting for bathrooms, water closets, kitchens or kitchenettes and interior stairways, and include at least one outlet in every habitable space.
(762-1, sec.1, 1/05/2023)

8.3 The electrical system of a building must provide lighting for common spaces and interior stairways, and exterior lighting for every public entrance to the building.

9. VENTILATION

9.1 A habitable space must be provided with natural ventilation by means of one or more windows directly facing the outdoors. The unobstructed area allowing the natural ventilation must be 0.28 m² per room or group of rooms.

9.2 A bathroom or a water closet must be provided with natural ventilation by means of a window having an unobstructed opening of at least 0.09 m² or be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

9.3 A kitchen or a kitchenette may be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

9.4 A common laundry room that is provided with natural ventilation may be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

9.5 *An enclosed storage garage that can accommodate more than 5 vehicles must conform with the requirements of the Construction Code and its revisions.*
(762-1, sec.7, 1/05/2023)

9.6 No ventilation system of a storage garage may allow exhaust air to be discharged into adjoining parts of the building.

9.7 *A crawl space must be ventilated in accordance with the requirements of the Construction Code and its revisions.*
(762-1, sec.8, 1/05/2023)

10. RESISTANCE TO FORCED ENTRY

10.1 The main or secondary entrance door of a building, as well as a garage or a shed door must be provided with a proper locking device ensuring access with a key, a magnetic card or other control device.

10.2 Every main or secondary entrance door of a **dwelling** must be provided with a proper locking device ensuring access with a key, a magnetic card or other control device.
(762-1, sec.1, 1/05/2023)

10.3 The main entrance door of a building containing 8 or more **dwellings** must be provided with a bell for each **dwelling**, and the entrance door

must be provided with an unlocking device that may be remotely operated from each **dwelling** or each room.

(762-1, sec.1, 1/05/2023)

10.4 Every main entrance door of a **dwelling** must be provided with a door viewer, except if the door is equipped with a transparent window or if it has a transparent panel. This article does not apply to a building containing only one **dwelling**.

(762-1, sec.1, 1/05/2023)

10.5 The locking devices required in this chapter must be such that the doors can be opened at any time without requiring keys or other devices.

11. PENAL PROVISIONS

11.1 Subject to article 11.2, any person who contravenes this By-law is guilty of an offence and is liable:

a) in the case of an individual:

(i) for first offence, to a fine of \$250 to \$625;

(ii) for a subsequent offence, to a fine of \$1,250 to \$2,500.

(762-1, sec.9, 1/05/2023)

b) in the case of a corporation:

(i) for a first offence, to a fine of \$500 to \$1,250;

(ii) for a subsequent offence, to a fine of \$2,500 to \$5,000.

(762-1, sec.9, 1/05/2023)

11.2 Any person who contravenes paragraphs h) or i) of article 4.1 or articles 5.1 to 6.5 is guilty of an offence and is liable:

a) in the case of an individual:

(i) for a first offence, to a fine of \$1,500 to \$6,000;

(ii) for a subsequent offence, to a fine of \$3,000 to \$15,000;

(762-1, sec.10, 1/05/2023)

b) in the case of a corporation:

(i) for a first offence, to a fine of \$2,000 to \$10,000;

(ii) for a subsequent offence, to a fine of \$4,000 to \$20,000.

(762-1, sec.10, 1/05/2023)

12. FINAL PROVISIONS

12.1 This By-law will come into force in accordance with the law.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Poovadee Permal-Vardin
Poovadee Permal-Vardin, Town Clerk