

CITY OF MONTRÉAL
BY-LAW
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BY-LAW CONCERNING THE SANITATION AND MAINTENANCE OF DWELLING UNITS

As the municipal administration seeks to ensure that all Montrealers benefit from acceptable housing conditions;

In view of sections 369, 411 and 413 of the Cities and Towns Act (R.S.Q., chapter C-19);

In view of sections 48, 51 and 80 of schedule C to the Charter of the City of Montréal (R.S.Q., chapter C-11.4);

At the city council meeting of June 16, 2003, it was enacted:

CHAPTER I
INTERPRETATION

1. In this by-law, the following words mean:

“authority having jurisdiction”: the borough director or the director of the Direction de l’habitation;

“dwelling unit”: 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;

“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;

“room in a rooming house”: a room that is rented or offered for rent, used or intended to be used as a domicile and containing no more than two of the following amenities: a water closet, a bathtub or a shower, a kitchenette;

“rooming house”: an immovable or part of an immovable, as defined in a borough’s by-laws.

2. The words that are not defined in article 1 have the same meaning as in the Regulation respecting the Construction Code (R.S.Q., chapter B-1.1, r. 0.01.01), and its revisions.

CHAPTER II
APPLICATION

3. This by-law applies to the entire city territory.

4. 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, a car shelter, and a depot, referred to as “building”.

5. This by-law does not apply to a building that is:

- (1) exclusively institutional;
- (2) exclusively commercial, serving or intended to serve travellers;
- (3) occupied or intended to be exclusively occupied by an establishment referred to in the Act respecting health services and social services (R.S.Q., chapter S-4.2).

6. Unless otherwise provided, the requirements for dwelling units apply to rooms in a rooming house.

CHAPTER III

ADMINISTRATION

SECTION 1

POWERS

7. The authority having jurisdiction may enter a building or a dwelling unit, visit it and inspect it for the purposes of this by-law.

8. The authority having jurisdiction must, on request, show an identification card bearing his photograph, as issued by the city.

9. Every person must allow the authority having jurisdiction to enter a building without interfering with his work.

10. The occupants of a dwelling unit where an extermination is to be performed under this by-law may not refuse access to the authority having jurisdiction or to the exterminator.

They must, if required, clean and prepare the premises for the extermination.

11. The authority having jurisdiction may conduct tests and take photographs or make tapes in a building or any adjacent part.

12. The authority having jurisdiction 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.

13. The authority having jurisdiction 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.

14. The authority having jurisdiction 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.

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

SECTION 2

INTERVENTION OF THE CITY

16. Every owner of a building must meet the standards set under this by-law.

17. The authority having jurisdiction may, in case of default by the owner of an immovable, in addition to any other recourse under the law, take any action or have any action taken under this by-law, at the owner's expense, in connection with the immovable. The authority having jurisdiction may also deal with unsanitary conditions referred to in article 25, at the owner's, lessee's or occupant's expense.

18. The costs incurred by the city under article 17 constitute a prior claim on the immovable concerned, in the same way and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec, and are also secured by a legal hypothec on the immovable.

SECTION 3

ASSESSMENT OF A BUILDING OR A DWELLING UNIT

19. The authority having jurisdiction may issue a notice ordering the evacuation and the closing of a building or a dwelling unit that is not in accordance with this by-law.

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

21. The authority having jurisdiction may post a copy of the evacuation notice on the building and on the dwelling unit concerned.

22. No evacuation notice may be soiled, altered, torn up or removed.

23. 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.

24. No building or dwelling unit 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.

CHAPTER IV SANITATION

25. No building or dwelling unit 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:

- (1) uncleanliness, deterioration or obstruction of a main building, dwelling unit, balcony or outbuilding;
- (2) presence of dead animals;
- (3) storage or use of products or materials that give off noxious odors or toxic fumes;
- (4) disposal of household waste, refuse or recyclable materials elsewhere than in containers provided for that purpose;
- (5) obstruction of a means of egress;
- (6) obstacle preventing the closing and locking of a door in a prescribed fire separation;
- (7) presence of ice or condensation on an interior surface other than a window;
- (8) accumulation of debris, materials, spoiled or putrid matter, or any other state of uncleanliness;
- (9) presence of vermin, rodents, insects or visible molds, and conditions favoring their proliferation.

CHAPTER V MAINTENANCE

26. All building components must be kept in good condition and be used for their intended purposes. They must be solid enough to withstand the live and dead loads to which they may be subjected, and be repaired or replaced as needed.

27. The envelope of a building, such as a roof, an exterior wall, or a foundation, must be weatherproof.

28. The openings in the envelope of a building, such as door and a window, and their periphery, must be weatherproof.

29. There may be no presence or accumulation of water or moisture causing damage to the structure or finishes, or presence of visible molds.

30. The floor of a crawl space or a cellar must be dry.

31. The floor of a bathroom and a water closet and the walls around the shower or bathtub must be moistureproof, covered with a watertight finish or facing, and maintained in good condition to prevent water infiltration into adjacent partitions.

32. 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.

33. 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.

CHAPTER VI

BASIC DWELLING UNIT EQUIPMENT

SECTION 1

GENERAL PROVISIONS

34. A dwelling unit 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.

35. A dwelling unit must be provided with at least:

- (1) a kitchen sink;
- (2) a water closet;
- (3) a lavatory;
- (4) a bathtub or shower.

These facilities must all be directly connected to the plumbing system.

36. 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.

37. A dwelling unit 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 unit should be measured in the middle of each habitable space, 1 m from the floor.

38. A vacant dwelling unit or a non-habitable space must be provided with a permanent heating system that will maintain a minimum temperature of 15 °C.

SECTION 2

PROVISIONS CONCERNING ROOMING HOUSES

39. A rooming house must be provided with a water closet and a bathtub or a shower for every group of 5 rooms. Where the number of rooms is not a multiple of 5 and where the result of the calculation of the number of required fixtures includes a fraction more than a

half, the result is rounded up to the nearest whole number. A rooming house containing less than 5 rooms must be provided with at least a water closet and a bathtub or a shower.

A room in a rooming house provided with either one of these fixtures for private use is not considered in the calculation of the number of rooms used to determine the number of required common fixtures.

40. The bathrooms and water closets in a rooming house must be in separate spaces. The facilities must be accessible from rooms without having to go up or down more than one floor.

41. Where a room in a rooming house is provided with one or more of the following fixtures (water closet, bathtub or shower), they must be installed in an enclosed space.

CHAPTER VII

AREAS AND HEIGHTS

42. The total area of habitable spaces of a dwelling unit must be at least 8.5 m² per person residing there. A room in a rooming house must have an area of at least 9 m².

43. Despite the previous article, a room in a rooming house may be occupied by more than one person if its area is at least 7 m² per person and the rooming house is provided with a common space such as a kitchen or a family room.

44. The clear height of a habitable space, measured from floor to ceiling, must be at least 2 m.

45. Subject to the next article, a space whose height is less than 2 m may not be included in the surface area calculation.

46. The following exceptions may be included in the area calculation, but their area may not exceed 50% of the total area:

- (1) a habitable space in an attic, whose clear height is less than 2 m but more than 1.4 m;
- (2) a habitable space in the basement, whose clear height is less than 2 m but more than 1.85 m.

47. No obstacle such as a pipe, a service space or a beam may reduce the height to less than 1.85 m at any point where a person is likely to walk or stand.

CHAPTER VIII

WINDOW LAYOUT AND LIGHTING

48. The minimum glazed area of a habitable space is:

- (1) 10% of the surface area of the following habitable spaces: living room, dining room, family room, and a sleeping area combined with another habitable space;

- (2) 5% of the surface area of finished rooms and other rooms not listed above, unless it is a room in a rooming house or a kitchen or a kitchenette;
- (3) 8% of the surface area of a room in a rooming house.

49. The electrical system of a dwelling unit must provide lighting for bathrooms, water closets, kitchens or kitchenettes and interior stairways, and include at least one outlet in every habitable space.

50. 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.

51. Despite articles 48, 49 and 50, a habitable space without a window may be provided with borrowed light, but the partition, wall or furniture separating it from the adjoining room must leave an opening free of any obstacle in a proportion of at least 40% of its area. The total floor area of the two rooms is counted in the calculation of the surface area.

52. The windows of a dwelling unit must be provided with storm windows from October 30 to April 30, unless they are double glazed.

CHAPTER IX

VENTILATION

53. 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.

54. 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.

55. Despite articles 53 and 54:

- (1) a habitable space without a window may be ventilated through an adjoining room, but the partition, wall or furniture separating it from the adjoining room must leave an opening free of any obstacle in a proportion of at least 40% of its area;
- (2) a kitchen or a kitchenette may be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

56. 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.

57. An enclosed storage garage that can accommodate more than 5 vehicles must be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour and be automatically controlled by a carbon monoxide monitoring device.

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

59. A crawl space must be ventilated by means of openings with a minimum area of 1/500 of the area to be ventilated, laid out to ensure air change, and provided with a proper wire mesh screen to prevent the entry of insects and rodents. The openings must be closed from October 30 to April 30.

CHAPTER X

RESISTANCE TO FORCED ENTRY

60. 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.

61. Every main or secondary entrance door of a dwelling unit must be provided with a proper locking device ensuring access with a key, a magnetic card or other control device.

62. The main entrance door of a building containing 8 or more dwelling units or rooms in a rooming house must be provided with a bell for each dwelling unit or each room, and the entrance door must be provided with an unlocking device that may be remotely operated from each dwelling unit or each room.

63. Every main entrance door of a dwelling unit 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 unit.

64. 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.

CHAPTER XI

PENAL PROVISIONS

65. Subject to article 66, any person who contravenes this by-law is guilty of an offence and is liable:

- (1) in the case of an individual:
 - (a) for first offence, to a fine of \$200 to \$500;
 - (b) for a subsequent offence, to a fine of \$1000 to \$2000;
- (2) in the case of a corporation:
 - (a) for a first offence, to a fine of \$400 to \$1000;
 - (b) for a subsequent offence, to a fine of \$2000 to \$4000.

66. Any person who contravenes paragraphs 8 and 9 of article 25 or articles 26 to 38 is guilty of an offence and is liable:

- (1) in the case of an individual:
 - (a) for a first offence, to a fine of \$500 to \$2000;
 - (b) for a subsequent offence, to a fine of \$2000 to \$10 000;
- (2) in the case of a corporation:
 - (a) for a first offence, to a fine of \$1000 to \$4000;
 - (b) for a subsequent offence, to a fine of \$4000 to \$20 000.

CHAPTER XII
FINAL PROVISIONS

67. Articles 12 to 16, 46, 48 to 51, 53 to 69, 71 to 74, 78 and 79, 88 to 92, 143 to 156 and 158 of the Housing By-law (chapter L-1 of the revised by-laws of the former city of Montréal) are repealed.

68. By-law 1538 of the former city of Verdun is repealed.

69. Article 75, the last sentence of the first paragraph of article 79, and articles 94 to 121 and 170 to 187 of by-law 1514 of the former city of Montréal-Nord are repealed.

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on June 26, 2003.