

# **PROPERTY MAINTENANCE**

## **Chapter 689 TERMITE - WOOD-DESTROYING INSECTS - CONTROL**

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**Article 1  
INTERPRETATION**

**689.1.1            Inspector - defined**

“Inspector” means a person designated by the Council of the Corporation of the City of Kitchener to enforce the provisions of this Chapter.

**689.1.2            Owner - defined**

“owner” includes a person or his/her authorized agent or lessee occupying or controlling the premises, building, structure or portion thereof under consideration when such person is responsible for repair and maintenance of the premises.

**Article 2  
INSPECTOR - AUTHORITY**

**689.2.1            Chief Building Official - designated - Inspector**

The person from time to time holding the office of Chief Building Official of the Corporation, or his/her duly authorized delegate, is hereby designated as an Inspector to enforce the provisions of this Chapter.

**689.2.2 Visit - enter - inspect - land - building - structure**

The Chief Building Official or any duly appointed Inspector shall have the right to visit, enter or inspect from time to time and at all reasonable hours, any land building or structure:

- (a) where there is reason to believe it has been damaged or is infested by termites or other wood-destroying insects; or
- (b) which has been damaged or is infested by termites or other wood-destroying insects; or
- (c) which is within 400 feet of any building or structure so damaged or infested as aforesaid.

**Article 3****CONTROL - PREVENTION****689.3.1 Resistant - building - structure - to be rendered**

An Inspector may serve on the owner of any building or structure or part thereof heretofore or hereafter erected, an Order in writing requiring that the said building or structure or part thereof be rendered resistant to termites or other wood-destroying insects by treatment of the soil adjacent thereto by a licensed pest or termite exterminator in such manner or by such means as is specified in the Order, or requiring that the building or structure be made resistant to termites or other wood-destroying insects by any other means specified in the Order and, upon service of such Order, the owner shall forthwith carry out the requirements thereof.

**689.3.2 Destruction - removal - material - not part of building**

Where any wooden pole, tree, stump, or other wooden or cellulose material not being part of a building has become infested with termites or other wood-destroying insects, an Inspector may serve on the owner of the property upon which such pole, tree, stump, or other material is located an Order in writing certifying that such infestation exists and requiring that the said pole, tree, stump or other material be removed and destroyed. Upon service of such Order, the said owner shall forthwith carry out the requirements thereof.

**689.3.3 Spread - of infection - control**

If the Inspector deems it necessary in order to prevent or control the spread or infestation by termites or other wood-destroying insects that any building or structure or any addition thereto, whenever constructed, even if the same is not itself infested by termites or other wood-destroying insects, should be rendered resistant to such infestation, he/she may serve on the owner of such building or structure or any part thereof heretofore or hereinafter erected an Order in writing that same be rendered resistant to infestation by termites and/or other wood-destroying insects by poisoning the soil adjacent thereto by a pest or termite exterminator licensed and approved by the Province of Ontario, in such manner and by such means as is specified in the Order, or requiring that the building or structure be made resistant to termites or other wood-destroying insects by any other means specified in the Order and, upon service of such Order, the owner shall carry out the requirements within the time specified in the Order.

**689.3.4 Damage - repair - removal - infested material**

The Inspector may serve on the owner of any building or structure or part thereof heretofore or hereafter erected that has been damaged by termites or other wood-destroying insects an Order in writing requiring that such damage be repaired by removing and destroying all infested material and replacing the same with sound material and, upon service of such Order, the owner shall carry out the requirements thereof within a time specified in the Order.

**689.3.5 Removal - transportation - material - permission**

Where the Chief Building Official deems it necessary in order to prevent or control the spread of termites, he/she may serve on the owner of any building, structure or property an Order in writing requiring that no soil, wooden pole, tree, stump or other wooden or cellulose material be removed or transported from the property without written permission the Chief Building Official or his/her delegate.

**Article 4  
ORDER - PROCEDURE****689.4.1 Service - upon assessed owner**

Any order issued under this Chapter shall be signed by an Inspector and shall be served on the owner of such building or property as shown on the last revised assessment rolls of the municipality.

**689.4.2 Time - for compliance - service**

The times specified in any such Order shall be at least 30 days after giving such Order and such Order shall be sufficiently served:

- (a) if mailed prepaid registered post, addressed to owner or occupant at the said building and shall, if so mailed, be deemed to have been served three business days after the day of mailing as aforesaid; or
- (b) if delivered to such owner or occupant personally and shall, if so delivered, be deemed to have been served on the day of such delivery.

## **Article 5 FINANCIAL ASSISTANCE**

### **689.5.1 Grant - one-half - cost incurred**

The Corporation may, upon application made to it for that purpose and in its sole discretion, make a grant to or on behalf of the owner of a residential building of up to one-half of the cost incurred hereafter by the said owner to repair such damage done to the building by termites or other wood-destroying insects and/or of rendering any such building heretofore erected resistant to termites or such other insects.

### **689.5.2 Loan - not exceeding cost - less grant**

The Corporation may, upon application made to it for that purpose, loan to an owner of a building for purposes of being applied to the cost incurred hereafter by such owner in repairing damage done to such building by termites or other wood-destroying insects and/or of rendering any building heretofore erected resistant to termites or other insects, such portion being an amount fixed by the Corporation not exceeding the actual cost of such work, less any grant made pursuant to Section 689.5.1.

### **689.5.3 Application - approval - Council's discretion**

When an owner intends to make an application pursuant to Sections 689.5.1 and 689.5.2 or either of them, he/she shall do so by delivering the same to the Chief Building Official who shall report thereon with his/her recommendation to Council, and Council may, in its discretion, grant or refuse any such application or grant the same subject to such terms and conditions as it may prescribe.

## **Article 6 ENFORCEMENT**

### **689.6.1 Offence - failure - to comply with Order**

It shall be an offence to fail to comply with the provisions of any Order issued under this Chapter within the time specified in such Order. By-law 89-111, 17 July, 1989.

**689.6.2 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 91-191, 13 May, 1991.

**Article 7  
CODIFICATION****689.7.1 Inclusion - in Municipal Code**

The Clerk is hereby directed to make this Chapter a part of the City of Kitchener Municipal Code by adding it to the Concordance thereof and arranging it and numbering it so as to fit within the scheme of the Code. By-law 89-111, 17 July, 1989.