

Chapter 21
Dangerous or Unsightly Premises By-law



1. Title & Scope

- 1.1. This By-law is enacted pursuant to section 172 of the *Municipal Government Act*, SNS 1998, c 18 (“**MGA**”), and shall be known and may be cited as the “Dangerous or Unsightly Premises By-law” of the Municipality.
- 1.2. This By-law is intended to supplement Part XV of the MGA, and shall be interpreted in accordance with the requirements and powers of that Part. In the event of any inconsistency between this By-law and the MGA, the MGA shall govern.

2. Definitions

For the purposes of this By-law:

- 2.1. **Administrator** has the same meaning as in section 3(a) of the MGA;
- 2.2. **Building Inspector** means a building inspector for the Municipality;
- 2.3. **Common Owner**, in the context of multiple properties, means that the same name appears as an Owner on the land registry, the registry of deeds, or the assessment roll for each of the properties;
- 2.4. **Council** means the Council of the Municipality of the County of Colchester, and for the purposes of this By-law, includes the Administrator and the Committee, to the extent that Council’s authority has been so delegated;
- 2.5. **Dangerous or Unsightly Premises** means a property where any part of a property meets the definition of “dangerous or unsightly” set out in section 3(d) of the MGA;
- 2.6. **Committee** means the Dangerous & Unsightly Premises Committee of Council;
- 2.7. **Municipality** means the Municipality of the County of Colchester;
- 2.8. **Order** means an order made pursuant to Part XV of the MGA or an order made pursuant to this By-law; and
- 2.9. **Owner** means the owner of the property as it appears on the land registry, the registry of deeds, or the assessment roll.

3. Standard and Compliance

- 3.1. Every Owner of property within the Municipality must maintain their property so that it does not constitute Dangerous and Unsightly Premises.
- 3.2. Every Owner must comply with an Order to rectify Dangerous and Unsightly Premises within the timelines set out in that Order.

4. Procedures

- 4.1. Council shall follow the procedures set out in Part XV of the MGA for dealing with Dangerous or Unsightly Premises, in addition to the supplemental requirements of this By-law or Policy.

5. Inspection and Compliance

- 5.1. The Administrator and/or Building Inspector may at any reasonable time, and in accordance with the requirements of section 352 of the MGA, enter upon any property to ensure compliance with this By-law.
- 5.2. Where an Owner has failed to comply with an Order to rectify Dangerous or Unsightly Premises within the timelines set out in that Order, the Administrator and/or a third-party hired by the Municipality may access the premises to have the work specified in the Order performed, as permitted by section 348 of the MGA.

6. Order Timelines

- 6.1. Where an Order to remedy a condition on Dangerous or Unsightly Premises is made pursuant to section 346 of the MGA or otherwise under this By-law, the following timelines shall apply for the work required to be done:
 - 6.1.1. For the first Order against the Owner of a property, no more than 30 days to complete the required work;
 - 6.1.2. For each subsequent Order against the Owner of a property, no more than 7 days to complete the required work; and
 - 6.1.3. For each subsequent order against the Common Owner of property in the Municipality, no more than 7 days to complete the required work.
- 6.2. Under exceptional circumstances, the timelines set out in section 6.1 may be adjusted, taking into account the following factors:
 - 6.2.1. Complexity of the required work;
 - 6.2.2. Time of year and seasonal climate conditions;
 - 6.2.3. Availability of resources required to perform the work;
 - 6.2.4. Whether a reasonable plan has been presented by the Owner to perform the work that is acceptable to Council;
 - 6.2.5. Whether the property is unsafe within the meaning of section 349 of the MGA; and
 - 6.2.6. Any other factor identified by the Building Inspector.

- 6.3. In cases where a property has been deemed unsafe, in addition to the requirements of section 349 of the MGA and any steps that may be taken by the Administrator pursuant to section 350 of the MGA, the Owner may also be ordered to take immediate steps to secure the unsafe areas from access by the public.

7. Appeal

- 7.1. An Owner may appeal the Order of an Administrator, in whole or in part, by filing a notice of appeal in hard copy or electronically with the Municipality's Chief Administrative Officer within seven days after the Order is made.
- 7.2. The appeal will be heard by an appeal committee designated by Council.
- 7.3. The appeal committee may uphold, vary or rescind the Order.

8. Fees

- 8.1. An Owner who violates section 3 of this By-law will be required to pay the fees for any work required to be done pursuant section 348(3) of the MGA and section 5.2 of this By-law.
- 8.2. An Owner who violates section 3 of this By-law will be required to pay the additional fees that are set by Council policy under the authority of this By-law, which may include fees for the cost of Municipal resources such as hearing costs and staff costs.
- 8.3. Any fees levied under this By-law shall be due within 30 days of the official invoice date and are payable to the Municipality.
- 8.4. In addition to any fees levied pursuant to this section:
 - 8.4.1. Interest on any fees shall accrue, starting 30 days after the date of such fee, at a rate set from time to time by the Municipality; and
 - 8.4.2. Any such fees that remains outstanding for an excess of 30 days, including the interest as it accrues, may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to section 507 of the MGA.
- 8.5. All fees collected become the property of the Municipality.

9. Penalty

- 9.1. An Owner, including a Common Owner, who violates section 3 of this By-law or who fails to pay a fee levied pursuant to section 8 of this By-law is guilty of an offense punishable on summary conviction as follows:
 - 9.1.1. For a first offence, by a fine of not less than \$500.00 and not more than \$1,000.00 and in default of payment to imprisonment of not more than thirty (30) days;

- 9.1.2. For a second offence, by a fine of not less than \$1,000.00 and not more than \$2,500.00 and in default of payment to imprisonment of not more than thirty (30) days; and
- 9.1.3. For a third or subsequent offence, by a fine of not less than \$2,500.00 and not more than \$5,000.00 and in default of payment to imprisonment of not more than thirty (30) days.


10. Effective Date and Application

10.1. This By-law is effective the date of publication of the approval of the By-law in accordance with the MGA and shall apply to any ongoing proceedings for which an Order has not yet been issued.

THIS IS TO CERTIFY, that Chapter 21 – Dangerous or Unsightly Premises By-law, was duly approved at a duly called meeting of the Municipal Council of the Municipality of Colchester, duly convened and held on the 27th day of April, A.D., 2023.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 4th day of May, A.D., 2023.

Rob Simonds
Municipal Clerk



**Notice of Approval
Chapter 21 - Dangerous or
Unsightly Premises By-Law**

TAKE NOTICE that on Thursday, April 27, 2023, Council of the Municipality of the County of Colchester approved, by way of Second Reading, Chapter 21 - Dangerous or Unsightly Premises By-law.

The By-law is intended to supplement the MGA process to compel property owners to comply with Dangerous or Unsightly orders and to attempt to prevent dangerous and unsightly situations from persisting through allowances for greater fee recovery by the Municipality and introducing penalties for non-compliance and non-payment of fees. The By-law also discourages repeat infractions by shortening the timelines for compliance with the orders, while respecting the appeal period requirements of the MGA.

The By-law can be obtained from the Community Development Office, 1 Church Street, Truro, or is available on the County website at www.colchester.ca.

Dated May 4, 2023.

Rob Simonds
Chief Administrative Officer

I, Rob Simonds, Municipal Clerk of the Municipality of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 21 – Dangerous or Unsightly Premises By-law, duly advertised in the Thursday, May 4, 2023 issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 4th day of May, 2023.

Rob Simonds
Municipal Clerk

*First Reading: March 30, 2023
Notice of Intent: April 6 & 20, 2023
Second Reading: April 27, 2023
Notice of Approval: May 4, 2023*