



Dangerous or Unsightly Premises Procedures Policy

Application of Policy

1. This policy supplements Part XV of the MGA and the Dangerous or Unsightly Premises By-law ("By-law").

Definitions

2. Defined terms have the same meaning as in the By-law.

Delegation of Authority to Administrator

3. The Council hereby delegates to the Manager of Inspection Services and other building inspectors appointed pursuant to the Municipal Government Act all of its authority pursuant to Part XV of the Act, except the authority to order demolition.

Formal Complaint Required

4. The Administrator shall not carry out an investigation or issue any order without first receiving a formal complaint that a property may be a Dangerous or Unsightly Premises.
5. A formal complaint must be filed with the Municipality using a complaint form made available by the Administrator, and it must be made in writing and signed by the complainant. The complainant must also identify the alleged Dangerous or Unsightly Premises on the municipal mapping system, to the best of their ability.
6. The complainant's personal information shall at all times remain confidential and shall not be released by the Municipality to any third party, including but not limited to the property owner, without the complainant's consent.

Investigation

7. All investigations shall be carried out by the Administrator.
8. The Administrator may conduct their investigation by carrying out a visual inspection of the property. The Administrator shall not be obligated to enter onto the property if, given the nature of the complaint, the Administrator can reasonably assess whether the property constitutes a Dangerous or Unsightly Premises without doing so. The Administrator shall not be obligated to enter into any building or other structure that appears to be unsafe upon visual inspection.
9. In conducting an investigation into whether a property is a Dangerous or Unsightly Premises, the Administrator may rely solely on their own skill and experience in

assessing the condition of the property, and shall not be required to retain any third party consultants.

10. During the investigation, the Owner and complainant shall each have the opportunity to provide additional information to the Administrator about the condition of the property. However, if an Owner, complainant or any other person chooses to retain a third party consultant or otherwise incur any costs, they shall do so at their own sole expense.

Administrator's Order

11. Following the investigation, if the Administrator is satisfied that a property is a Dangerous or Unsightly Premises, they shall issue an Order(s) to the Owner to remediate the property. The Order shall:
 - a. detail the condition(s) to be remedied by removal or repair, and a date by which each condition must be remedied;
 - b. advise of the Owner's right to appeal to the Committee within seven days of the date the Order is made, and the process by which they may commence an appeal;
 - c. advise of the right of the Administrator to enter the subject property and carry out the work specified in the Order, if the Owner does not comply with the terms of the Order; and
 - d. attach a copy of the relevant MGA definitions.
12. A copy of the Order shall be served on the Owner or posted in a conspicuous place on the property. A copy of the Order may also be sent electronically where the Owner's email address is known to the Municipality.
13. A copy of the Order shall be provided to the area Councillor and to the Committee members.
14. The complainant shall be advised that an Order has been issued, but shall not be provided with a copy of the Order or the specific details of its contents.

Administrator's Refusal

15. Following the investigation, if the Administrator is not satisfied that a property is a Dangerous or Unsightly Premises, they shall issue a written refusal ("Refusal") of the complaint. The Refusal shall advise of the complainant's right to appeal to the Committee within seven days of the date the Order is made, and the process by which they may commence an appeal.
16. A copy of the Refusal shall be sent to the Owner and complainant by mail. A copy may also be sent electronically where the Owner's or complainant's email addresses are known to the Municipality.

Notice of Appeal

17. A notice of appeal from an Order or Refusal must be made in writing and delivered in person, by mail, or electronically to the Municipality in the form provided by the Administrator.
18. The right to appeal an Order or Refusal to the Committee lapses after seven days. A notice of appeal that is delivered or postmarked later than seven clear days from the date of the Administrator's Order or Refusal shall not be accepted.

Appeal to Committee

19. Upon receipt of a notice of appeal, the Administrator shall advise the Chair of the Committee that an appeal has been received. In the absence of the Chair, the Chair's rights and duties pursuant to this policy may be carried out by the Vice-Chair.
20. The Chair shall normally schedule the appeal for a hearing before the Committee within at least 7 and no more than 30 days of receipt of the notice of appeal. The Chair may extend the hearing date at their discretion, including to accommodate the Committee, the Owner, and, in the case of a Refusal, the complainant.
21. The date, time and location of the appeal hearing shall be provided to the Owner using the contact information provided in their notice of appeal, or where the appeal was not commenced by the Owner, shall be mailed to the Owner at their registered address, which shall be deemed to be delivered after two business days. A copy may also be sent electronically where the Owner's email address is known to the Municipality.
22. Where a complainant has appealed a Refusal, the date, time and location of the appeal hearing shall also be provided to the complainant using the contact information provided on the complaint form and notice of appeal.
23. An appeal shall be heard by a quorum of the Committee. Subject to the requirements of Part XV of the MGA, the By-law and this Policy, the Committee shall be empowered to determine its own procedures.
24. During the appeal of an Order:
 - a. the Administrator shall speak first to the Committee, and shall present the information relied upon and the rationale for the Administrator's decision, taking care to keep confidential the identity of the complainant unless consent has been obtained;
 - b. the Owner shall have the opportunity to address the Committee to respond to the Administrator's information and to present any additional information for the Committee's consideration;
 - c. any additional persons seeking to have the Order overturned shall have the opportunity to address the Committee; and
 - d. the Administrator shall have the final opportunity to address the Committee in reply.

25. During the appeal of Refusal:

- a. the Administrator shall speak first to the Committee, and shall present the information relied upon and the rationale for the Administrator's decision;
 - b. the complainant shall have the opportunity to address the Committee to respond to the Administrator's information and to present any additional information for the Committee's consideration;
 - c. any additional persons seeking to overturn the Refusal shall have the opportunity to address the Committee;
 - d. the Owner shall have the opportunity to address the Committee to present any additional information for the Committee's consideration;
 - e. any additional persons seeking to have the Refusal upheld shall have the opportunity to address the Committee; and
 - f. the Administrator shall have the final opportunity to address the Committee in reply.
26. The Committee shall at all times have the ability to ask questions of all persons appearing before it.
27. Neither the Committee nor any of its members shall be required to carry out any investigation during the appeal process, although the Committee may, at its sole discretion, adjourn the appeal hearing and request that further investigation be performed by the Administrator, if the Committee is not satisfied that sufficient information is available for the disposition of the appeal.
28. The Committee shall affirm, reverse or vary the decision of the Administrator and may issue a subsequent Order accordingly. Where the Committee varies or overturns the decision of the Administrator, it shall record in the Committee minutes the reasons for its decision.
29. A copy of the Order of the Committee shall be provided to the Owner and the area Councillor in the same manner as that of an Order of the Administrator.

Application for Demolition

30. An Order for demolition of a structure may only be made following a hearing before the Committee.
31. Where, following investigation, the Administrator determines that demolition is required to remedy the condition of Dangerous or Unightly Premises, the Administrator shall apply to the Chair for an Order for demolition.
32. The Chair shall make all reasonable efforts to schedule the appeal for a hearing before the Committee within at least 7 and no more than 30 days of receipt of the application

for demolition. The Chair may extend the hearing date at their discretion, including to accommodate the Committee and the Owner, while bearing in mind the potential safety risk presented by the structure.

33. Notice of a demolition hearing shall be served on the Owner or posted in a conspicuous place on the property at least 7 days in advance of the hearing date. A copy of the Order may also be sent electronically where the Owner's email address is known to the Municipality. The notice shall contain:
 - a. the date, time and place of the hearing; and
 - b. a statement that the Owner will be given the opportunity to appear and be heard before any Order is made.
34. The Committee shall conduct the hearing of an application for demolition in the same manner and order of appearance as that of the appeal of an Order.
35. The Committee shall approve or refuse an Order for demolition. The Order shall:
 - a. detail the structure(s) to be demolished, and a date by which each structure must be demolished;
 - b. advise of the right of the Administrator to enter the subject property and carry out the work specified in the Order, if the Owner does not comply with the terms of the Order;
 - c. attach a copy of the relevant MGA definitions.
36. A copy of the Order for demolition shall be provided to the Owner and the area Councillor in the same form and manner as that of an Order of the Administrator.

Remedial Work and Costs

37. If the remedial work set out in an Order is not completed within the required timeframe, the Administrator may carry out the work specified in the Order without further notice to the Owner.
38. The costs of performing the remedial work, if undertaken by the Municipality, shall be assessed as fees against the Owner in accordance with the By-law, which, if unpaid, shall form a lien against the subject property pursuant to Section 507 of the MGA. The Committee shall have no discretion to waive fees for the cost of the work but may so recommend to Council where appropriate.
39. As part of an Order, the Committee may also impose any applicable fees set out in the Municipal Fees Policy against the Owner, which, if unpaid, shall form a lien against the subject property pursuant to Section 507 of the MGA.

Repeal of Previous Policy

40. The previous policy on Dangerous and Unsightly Premises is hereby repealed.

Clerk's Annotation For Official Policy Book	
Date of Notice to Council Members of Intent to Consider (7 days minimum):	<u>May 8, 2023</u>
Date of Passage of Current Policy:	<u>May 23, 2023</u>
I certify that this Policy was adopted by Council as indicated above.	
<u>Rob Simonds</u> Municipal Clerk	<u>May 25, 2023</u> Dated

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amended September 24, 2009
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amended November 30, 2000
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