

**Chapter 21**  
**Dangerous or Unightly 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 Unightly 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;
- ~~2.1.~~~~2.2.~~ **Appeals Committee means the Appeals Committee appointed pursuant to the Appeals Committee By-law.**
- ~~2.2.~~~~2.3.~~ **Building Inspector** means a building inspector for the Municipality;
- ~~2.3.~~~~2.4.~~ **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.~~~~2.5.~~ **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 **Dangerous or Unightly Premises Committee**, ~~and the Appeals Committee~~ to the extent that Council’s authority has been so delegated;
- ~~2.5.~~~~2.6.~~ **Dangerous or Unightly 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.~~~~2.7.~~ **Committee** means the Dangerous ~~&~~ **or** Unightly Premises Committee of Council;
- ~~2.7.~~~~2.8.~~ **Municipality** means the Municipality of the County of Colchester;
- ~~2.8.~~~~2.9.~~ **Order** means an order made pursuant to Part XV of the MGA or an order made pursuant to this By-law; and
- ~~2.9.~~~~2.10.~~ **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~~ **or** Unightly Premises.

- 3.2. Every Owner must comply with an Order to rectify Dangerous ~~and~~ or 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 Appeals Committee designated by Council.

7.3. The Appeals 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.