



POLICY NO. 10 DANGEROUS OR UNSIGHTLY PREMISES POLICY

1.0 PURPOSE

- 1.1 The purpose of the **Dangerous or Unsightly Premises Policy** is to outline what is required to initiate an investigation of a property and the steps that will be followed through an investigation, order, clean-up and/or demolition of a property.
- 1.2 It is the policy of the Municipality to ensure a consistent method of investigation of dangerous or unsightly properties and steps that will be followed.

2.0 DEFINITIONS

- (a) **Administrator** means the Chief Administrative Officer (“CAO”) or another person designated by the CAO.
- (b) **Dangerous or unsightly premises and/or properties** subject to this policy will be as defined as per Section 3(r) of the MGA:

“dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing:

- i. ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item or equipment or machinery, or bodies of these or parts thereof,
- ii. an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
- iii. an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
- iv. any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property, a building or structure with or without structural deficiencies
- v. that is in a ruinous or dilapidated condition,

- vi. the condition of which seriously depreciates the value of land or buildings in the vicinity,
 - vii. that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
 - viii. that is an allurement to children who may play there to their danger,
 - ix. constituting a hazard to the health or safety of the public,
 - x. that is unsightly in relation to neighbouring properties because of exterior finish of the building or structure or the landscaping is not maintained,
 - xi. that is a fire hazard to itself or to surrounding lands or buildings,
 - xii. that has been excavated or had fill placed on it in a manner that results in a hazard, or
 - xiii. that is in a poor state of hygiene or cleanliness.
- (c) **Derelict vehicle, vessel, item of equipment or machinery** will be as defined in Section 3(v) of the MGA and includes a vehicle, vessel, item of equipment or machinery that
- i. is left on property, with or without lawful authority, and
 - ii. appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical condition or, where required by law to be licensed or registered, by its lack of license plate or current vehicle registration;
- (d) **MGA** means the *Municipal Government Act* SNS 1998, c. 18.
- (e) **Municipality** means the Municipality of the District of Barrington.
- (f) **Council** means council of the Municipality of the District of Barrington.

3.0 DELEGATION

- 3.1 Except with respect to the authority to order demolition, Council delegates its authority with respect to dangerous or unsightly premises, including the authority to issue dangerous or unsightly premises notices and orders, to the Administrator.

4.0 REPORT OF DANGEROUS OR UNSIGHTLY PROPERTY

- 4.1 The Municipality shall only conduct an investigation of an alleged dangerous or unsightly property once a complaint has been received. The complaint shall be made in writing using the attached Complaint Form (Appendix A) and submitted to the Municipal Office either in person, by ordinary mail or email. Complaints may also be lodged by calling the Municipal Office. All complaints are logged in the Municipality's Complaint Tracking System.
- 4.2 Within fourteen (14) days of receiving a complaint, a site inspection will be carried out and an initial site inspection report prepared by the Administrator. Complaints shall be considered confidential and subject to Part XX of the MGA and the *Freedom of Information and Protection of Privacy Act*.
- 4.3 Notwithstanding the above, the Administrator may act in the absence of a complaint including with respect to property owned by the Municipality and where public safety requires immediate action.

5.0 INVESTIGATION

- 5.1 Once an initial site inspection is conducted, the Administrator will determine whether the property is dangerous or unsightly. The Administrator may take photographs and video recordings of the property as necessary to document its condition.
- 5.2 If the Administrator determines that the property is not dangerous or unsightly, no action will be taken and the complainant shall be advised accordingly.

6.0 UNSAFE PROPERTY

- 6.1 If the Administrator determines that the property is unsafe, the Administrator may make an Order to vacate the premises. The Administrator shall post notice that the property is unsafe in a conspicuous place on the property and the notice shall remain posted until the unsafe condition is remedied.

7.0 PUBLIC SAFETY CONCERNS REQUIRING IMMEDIATE ACTION

- 7.1 If the Administrator determines that public safety requires immediate action the Administrator may immediately take the necessary action to prevent damage or remove the dangerous structure or condition.

8.0 OTHER DANGEROUS OR UNSIGHTLY CONDITIONS

- 8.1 If the Administrator determines that the property is dangerous or unsightly, and where

immediate action is deemed unnecessary, the Administrator shall notify the property owner in writing. The notice shall indicate what is required to remedy the dangerous or unsightly condition and that the owner has thirty (30) days, or another reasonable time frame dependent on the work to be done, to do so (Appendix B). The notice shall be delivered to the owner by personal service, registered mail or by posting the notice in a conspicuous place on the property.

9.0 CLEAN-UP ORDER

- 9.1 In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given, the Administrator may order an owner to remedy the condition. The order shall indicate what is required to remedy the dangerous or unsightly condition and that the owner has thirty (30) days, or another reasonable time frame dependent on the work to be done, to do so (Appendix C). The order shall be delivered to the owner by personal service, registered mail or by posting the order on the property in a conspicuous place on the property.
- 9.2 An order made by the Administrator may be appealed to the Council within seven (7) days after the order is made. Appeals can be submitted in writing to Council for consideration or the property owner may appear before Council to appeal the order in person. To appeal an order, the property owner must complete the proper form and submit it to the Municipal Clerk. (Appendix D).

10.0 DEMOLITION

- 10.1 In the event that the Administrator determines that the property is dangerous or unsightly and is of the opinion that to remedy the condition demolition is necessary, a recommendation will be sent to Council for consideration. The owner shall be given not less than seven (7) days' notice of the Council meeting at which the order will be considered. The owner may write to Council or appear and make submissions at the meeting by contacting the Municipal Clerk.
- 10.2 If Council considers demolition necessary to remedy the dangerous or unsightly condition, an order will be issued to the owner of the property with directions to demolish. The order shall be posted in a conspicuous place on the property and delivered to the owner by registered mail or personal service. The order shall give the owner thirty (30) days, or another reasons time frame depending on the extent of the work to be done, to remedy the condition.

11.0 COURT ORDER

- 11.1 Notwithstanding the above, the Municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work to be done to remedy the condition.

12.0 ENFORCEMENT

- 12.1 Where an owner fails to comply with an order within the time frame specified in the order, the Administrator may enter upon the property without warrant or other legal process in order to carry out the work specified in the order without further notice to the owner, the cost of which shall be a first lien on the property and shall be recoverable by Municipality as taxes.
- 12.2 Where the Administrator intends to carry out the work specified in an order, the Administrator shall obtain an estimate of cost involved and obtain approval of the CAO, if duty is assigned to another person, before carrying out the work.
- 12.3 The Municipality may prosecute offences with respect to dangerous or unsightly premises, including failure to obey an order, by issuing a summary offence ticket pursuant to the *Summary Offence Ticket Regulations*.



**APPENDIX "A"
COMPLAINT FORM**

Your Name: _____

Phone number: _____ E-mail Address: _____

(h): _____ Mailing Address: _____

(w): _____

(c): _____

*** Complaints shall be considered confidential but are subject to Part XX of the *Municipal Government Act & Freedom of Information and Protection of Privacy Act.***

What is your complaint? Include relevant date(s), times(s), location, and background information, including municipal employees you have contacted regarding this matter. Additional space is available on the back of this form. Additional information such as relevant photographs can be attached to this form.

How could the situation be improved?

Additional information:

FOR OFFICE USE ONLY

Complaint Received by: _____

Date of Property Inspection:

Order to Remedy Necessary: _____yes _____no

Date Complainant Notified of Action: _____ **Complaint Tracking #** _

Case Administrator: _____

RETAIN THIS FORM IN CASE FILE

**APPENDIX "B"
INVESTIGATION AND CASE FORM**

Administrator: _____

Complaint Tracking #: _____

Property Address & PID: _____

Date of Complaint: _____

Reason for Complaint:

Property Background:

(previous orders against property / other complaints against property)

Chronology of Case Activities

Date	Action	Notes
	Initial Complaint Filed	
	Property Inspection	
	Order to Remedy	
	Conversations with Owner	
	Appeal	
	Inspections	
	Closing of Case	

Financial Implications:

(Expenses incurred by the Municipality, Liens, Summary Offense Tickets)

Risk Considerations / Environmental Implications:

Files Attached:

Appendix A – Complaint Form

Appendix C – Order

Appendix D – Appeal

Photographs etc.



**APPENDIX "C"
ORDER TO REMEDY**

Date: _____

Order Served Upon: _____

Address / PID: _____

This is to advise you that you are in violation of the Municipal Government Act Part XV, Dangerous and Unightly Premises. A copy of the Dangerous and Unightly Premises Policy for the Municipality of Barrington is attached to this notice.

Details of Violation:

Violation to be remedied as per the following:

You have 30 days to remedy the violation. If you wish to appeal this Order, you may do so by contacting the Municipal Clerk within seven (7) days of the date of this notice. Your appeal will be brought to Council in writing and/or in-person as a delegation for consideration. (See Form - APPENDIX D)

Notice of Re-inspection:

A re-inspection will be performed after _____ to confirm the above noted violation(s) has been rectified. If you have any questions regarding this matter, please contact the issuing officer prior to the re-inspection date.

Enforcement Officer:

Email Address:

Phone Number:

Failure to obey this Order may result in a Summary of Offense Ticket being issued.

Failure to obey this order may result in the Administrator entering upon the property without warrant or other legal process and carrying out the work specified in the Order, the cost of which will be a first lien on the property and recoverable as taxes.

Enforcement Officer



**APPENDIX “D”
NOTICE OF APPEAL**

Name:

Property Address: Mailing Address:

Email Address / Phone Number: Date of Order:

Appeals can be made at any time up to seven (7) days after receiving or having an Order posted to a property. Consideration may be given to property owners who ask for extensions to remedy orders based on special circumstances. Please select one of the following reasons for your appeal:

Weather conditions

Monetary

Illness

Other

Estate

Do not agree the property is dangerous or unsightly

Please explain the reason for appeal:

I wish to attend the Appeal Hearing as a delegation

If you choose to attend as a delegation, the Municipal Clerk will inform you of the next available Council Meeting. Your appeal will be reviewed and you will be contacted by either the Municipal Clerk or the Administrator in regards to your request.

Municipal Clerk

lrossetti@barringtonmunicipality.com

Received by the Municipal Clerk:

Order of Proceedings for Appeals to Council

The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant to identify themselves or the representative will identify themselves and provide a signed letter from the Appellant
- The Chair will briefly explain how the hearing will proceed
- The Administrator will explain the basis for the order under review and provide documentation of the case
- Council may ask questions to the Administrator for clarification
- The Appellant may ask questions to the Administrator for clarification
- Witnesses may be permitted to provide factual evidence relevant to the appeal
- Appellant's Presentation – The Appellant is given up to ten (10) minutes to support the appeal
- Council may ask questions to the Appellant or witnesses
- Council may ask questions to the Administrator
- The Administrator may ask questions to the Appellant
- Council then debates their decision and renders a decision with the Appellant (or their representative) present
- Upon motion, Council may move In-Camera (In Private) to obtain confidential legal advice at any time during the process
- Council has four (4) alternatives:
 - Cancel the Order (allow the appeal)
 - Amend the Order (change the conditions)
 - Keep the Order as is (appeal dismissed)
 - Continue the hearing at a later date (defer)

All decisions made during an Appeal Hearing will be documented in the case files by the Administrator and a copy will be sent to the Appellant.

Hearings of Council are open to the public and any information, including personal information, which is provided or obtained in relation to your appeal, will be matter of public record.

