

Municipal Government Act

Part XV- Dangerous & Unsightly Premises

“Hoarders and Orders”

Section 3: Interpretation

3 In this Act,

(a) "administrator" means the employee of a municipality designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;



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Section 3: Interpretation

(r) "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 of 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,
- (iia) 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
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,

Section 3: Interpretation

and includes property or a building or structure with or without structural deficiencies

(iv) that is in a ruinous or dilapidated condition,

(v) the condition of which seriously depreciates the value of land or buildings in the vicinity,

(vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,

(vii) that is an allurements to children who may play there to their danger,

(viii) constituting a hazard to the health or safety of the public,

(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,

(x) that is a fire hazard to itself or to surrounding lands or buildings,

(xi) That has been excavated or had fill placed on it in a manner that results in a hazard, or

(xii) That is in a poor state of hygiene or cleanliness;

Section 3: Interpretation

- (v) “derelict vehicle, vessel, item of equipment or machinery” 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 licence plates or current vehicle registration;



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Part X Fire and Emergency Services

Powers where fire

297(1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may

(a) command the assistance of persons present and any inhabitant of the municipality;

(d) enter, break into or tear down any building;

(4) The officer in charge may direct that a building be pulled down or otherwise destroyed if, in the judgement of that officer, doing so will tend to contain a fire or protect the public from a dangerous condition.

**PART XV
DANGEROUS OR
UNSIGHTLY
PREMISES**

344 Every property in a municipality shall be maintained so as not to be dangerous or unsightly.

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

(2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality.



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346 (1) Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

(2) An owner may appeal an order of the administrator to the council or to the committee to which the council has delegated its authority within seven days after the order is made.

(3) Where it is proposed to order demolition, before the order is made not less than seven days notice shall be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

(4) The notice may be served by being posted in a conspicuous place upon the property or may be personally served upon the owner.



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347 (1) A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair.

(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied.



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348 (1) In this Section, "order" means an order made by the administrator, committee, council or court pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property or may be personally served upon the owner.

(3) Where the owner fails to comply with the requirements of an order within thirty days after service, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

(4) After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

(5) Every day during which the condition is not remedied is a separate offence.

(6) Where an order requires the demolition or removal of a building, the administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal.



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349 (1) A property within a municipality that is unsafe shall be vacated forthwith upon order of the administrator.

(2) The administrator shall post notice that the property is unsafe in a conspicuous place on the property.

(3) The notice shall remain posted until the unsafe condition is remedied



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350 Where public safety requires immediate action, the administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition.

351 Where land is sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and where the purchaser of the land is

- (a) the municipality, any notice required to be given with respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately before the day on which the land was sold; and
- (b) any person other than the municipality, the notice shall be given to both the person entitled to receive it immediately before the day on which the land was sold and the purchaser at the tax sale.



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352 (1) The administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.

(2) Except in an emergency, the administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance.

(3) If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference.



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353 No action shall be maintained against a municipality or against the administrator or any other employee of a municipality for anything done pursuant to this Part.

PART XXI GENERAL

507 Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully causes work to be done pursuant to this Act, the cost of the work, with interest at the rate determined by the council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.



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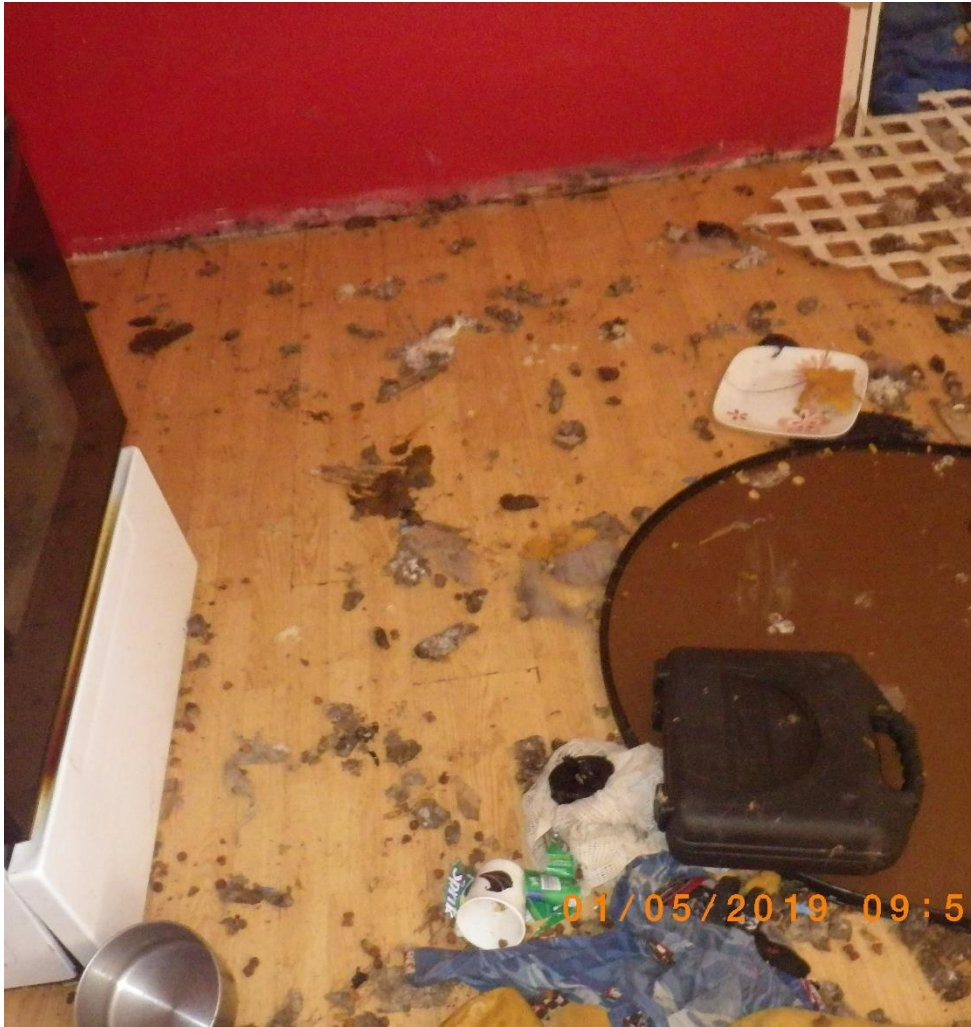


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Key Areas for Success

- Council support
- Legal support
- Written policy
- Trained Building Officials- Building Code, Hazardous Materials Identification, OH&S
- Good Communication & Conflict Resolution Skills
- Clerical Support, Good File Management with Lots of Photos
- Good Community Safety Partners (Police, Fire, EHS, SPCA, Dept. of Environment, Dept. of Health)

Don't Forget Safety!

- OH&S Act & Regulations for demolitions
- Demolitions- you must do a Hazardous Materials Assessment and you shall remove Hazardous materials where possible
- Worker Safety- Equipment, PPE, Hazard Assessments and Written Job Procedures
- Public Safety- Barricades, Signage, Notices
- Water, Sewer, Power & Communications Lines



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What does CBRM do?

- 600 + complaint files per year.
- 50-60 planned and unplanned demolitions per year
- 300 + orders per year (clean up, secure, demolish)
- Issue SOTs
- Waivers
- Vacant and Derelict Buildings By-Law

How does CBRM do what we do?

- Two clerks
- 2 Property Maintenance Inspector Positions
- 2 Assistant Building Official Positions
- propertycomplaints@cbrm.ns.ca
- 902-563-5202
- Suite 103 320 Esplanade

Successes

- New Aberdeen Revitalization Area
- High Crime Rate, Unsightly Properties, Poor Neighbourhood morale
- Partnered with Police, CBU, CMHC
- Community formed a non-profit society with Steering Committee of CBRM staff
- Planning amended CBRM Land Use By-law to allow mobile homes.

Questions?