

MUNICIPALITY OF THE DISTRICT OF DIGBY

DANGEROUS OR UNSIGHTLY PREMISES PROCEDURE AS PER SECTION XV OF THE MGA

1.0 Report of Dangerous or Unsightly Condition

- 1.1 The Administrator of Dangerous or Unsightly Premises shall investigate complaints alleging Dangerous or Unsightly premises which are made in writing and signed on a complaint form made available by the Administrator.
- 1.2 The complainant's name shall not be released upon request.
- 1.3 The Administrator or staff shall not carry out investigations or issue orders without first receiving a signed complaint.

2.0 Initial Site Report

- 2.1 In the preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.
- 2.2 If upon investigation the Administrator is not satisfied that a property is dangerous or unsightly according to the definitions of the MGA the Administrator shall advise the complainant in writing of the findings and that the Administrator exercises discretion not to issue an order (Refusal).
- 2.3 If the Administrator determines that the property is unsafe, the Administrator may make an order to have the property vacated.
- 2.4 If the Administrator determines that public safety requires immediate action, the Administrator may take action to prevent damage or may remove the dangerous structure or condition.
- 2.5 If upon investigation the Administrator is satisfied that a property is dangerous or unsightly according to the definitions of the Municipal Government Act ("MGA"), and where immediate action is unnecessary, the Administrator shall provide notice to the property owner by registered mail or by personal service, of what is required to remedy the unsightly or dangerous condition within thirty days of the date the notice was registered, or other reasonable time frames dependent upon inclement weather or other restrictions.

3.0 Order

- 3.1 In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given pursuant to section 2.5 herein, the Administrator may order the owner to remediate the property detailing the conditions to be remedied and providing a certain period of time to carry out the necessary work identified in the order. ("Order"). A copy of the definitions as per the MGA shall accompany each "Order". The "Order" will further advise of the right of the Administrator on behalf of the Municipality to enter the subject property if the property does not comply with the terms of the "Order". Copies of "Orders" to be cc to area Councillor.
- 3.2 The Order shall be posted on the property and a copy shall be personally served to the owner or sent by registered mail.
- 3.3 All Orders and Refusals issued by the Administrator will outline the right to appeal the Administrator's decision to the Committee of the Whole provided a notice of appeal is submitted in writing and delivered or post marked no later than fourteen days of the date of the Order or Refusal. If written notice of appeal is not given within that time frame the right of appeal to the Committee of the Whole lapses.
- 3.4 Upon receipt of the notice of appeal the Administrator shall advise the Chief Administrative Officer that an appeal has been submitted. The appeal should, unless otherwise determined by the Committee of the Whole, have a hearing date within 14 days of receipt of the notice of appeal. On appeal the Committee of the Whole may affirm, reverse or vary the decision of the Administrator and issue a subsequent Order accordingly.

4.0 Demolition

- 4.1 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, the owner shall be given not less than seven days notice of the date, time and place of the Committee of the Whole meeting at which the making of the Order to Demolish will be considered and the Committee of the Whole can decide to order demolition. The owner will be given an opportunity to speak at that time. The Committee of the Whole shall approve or refuse an Order for demolition and shall determine the terms of the Order as it considers appropriate. There shall be no appeal for Orders to Demolish.

Court Order

- 4.2 Notwithstanding sections 2, 3, and 4 herein, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work required to be done to remedy the condition.

5.0 Charges

- 5.1 The Administrator shall carry out the remedial work necessary as per the "Orders" issued under the Dangerous or Unsightly Premises Policy as per Section XV of the MGA, for all noncompliance Orders.
- 5.2 Where the Administrator intends to carry out the work specified in an Order, the Administrator shall obtain an estimate of cost involved and if the estimated cost exceeds Two Thousand Dollars (\$2,000), the Administrator shall obtain the approval of the Committee of the Whole before carrying out the work.
- 5.3 All costs associated with such remediation shall form a lien against the subject property pursuant to Section 507 of the MGA.