

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

TOPIC: Dangerous & Unsightly Premises Policy

POLICY NUMBER: 32

DATE APPROVED: September 16, 2008

DATE REVISED:

1. This Policy is entitled the ***Dangerous and Unsightly Premises Policy***.
2. Council hereby delegates its authority to issue dangerous or unsightly premises orders, but not including demolition orders, to the Administrator of Dangerous or Unsightly Premises, designated by the Chief Administrative Officer to be responsible for the dangerous or unsightly premises provision of the *Municipal Government Act* for the Municipality.
3. All persons making complaints or reporting to Councillors or Municipal Staff allegations of dangerous or unsightly premises contrary to the *Municipal Government Act* shall be referred directly to the Administrator.
4. The Administrator shall request every complaint be provided in written form and shall provide complaints with a standardized complaint form for this purpose. A standardized complaint form is attached as **Schedule "A"** to this policy.
5. The Administrator may amend the standardized form from time to time subject to forwarding a copy of such amended form with cover letter to the Chief Administrative Officer for circulation to Council.
6. Complaint forms completed by a complainant shall be held on file by the Administrator together with a record of the Administrator's response and reasons for same.
7. The Administrator shall have discretion to determine the appropriate time frame and manner of response to any complaint.
8. The Administrator shall have discretion whether to investigate complaints which are made anonymously or where the complainant refuses to put the complaint in writing.
9. In every case, the Administrator shall make reasonable efforts to identify the legal owner or occupant of the subject property for purposes of service of notices and orders.
10. The Administrator shall be responsible for giving notices and directions to property owners with respect to dangerous or unsightly premises and requirements for remedial action.
11. The Administrator shall develop standard form notices including letter form notices to property owners with respect to the requirements of Part XV of the *Municipal Government Act* and direction for remediation.

12. The Administrator shall copy such standard form notices to the Chief Administrative Officer of the Municipality for review and comment.
13. The Administrator shall be responsible to develop standardized practices insofar as possible for posting notices at premises where service on an individual property owner is not feasible.
14. The Administrator shall have access to the Municipal Solicitor for advice and opinion and for purposes of drafting and delivery of notices and remedial orders.
15. The Administrator shall be responsible to maintain written records, including photographic evidence, where investigation finds dangerous and unsightly premises which are not remedied by the owner when directed by the Administrator.
16. The Director shall provide a true copy of any remedial order issued to the Chief Administrator Officer for the subject Municipality by way of information.
17. Every written notice or order issued by the Administrator or Council shall refer specifically to Part XV of the Municipal Government Act and the definitions of dangerous or unsightly premises which are alleged to have been breached.
18. Every written notice or order issued by the Administrator or Council shall provide appropriate contact information including, as applicable, notice of rights to appeal.
19. The records of the Administrator shall be the property of the Municipality in which the subject premises are situate and shall be turned over by the Administrator to the Municipal Solicitor in any case where the Municipality directs or the matter proceeds to court.
20. The Administrator may ask to appear before Council whether in regular session or Committee of the Whole or other, special meeting, to present a submission and recommendation with respect to dangerous or unsightly premises.
21. Appeal of a remedial order shall be made to Council.
22. In the event of appeal of a remedial order, the Administrator shall be required to appear at the Council meeting hearing the appeal to present the case and grounds for remedial order.
23. In any case where a demolition order is being contemplated, the Council shall hear from the Administrator with respect to the subject premises and the actions and notices taken to encourage and require remediation.
24. In any case where a court application is taken by the Municipality or by the property owner, the Administrator shall cooperate with the Municipal Solicitor to support and present the Municipality's case.

**DANGEROUS or UNSIGHTLY PREMISES
COMPLAINT FORM**

We, the undersigned, consider the Property described below to be dangerous or unsightly as described in the *Municipal Government Act*.

PROPERTY LOCATION:

Civic Address or Property Identification Number

PROPERTY OWNER:

Name

DESCRIPTION OF DANGEROUS OR UNSIGHTLY CONDITION

(Please be specific. Attach additional pages if needed and pictures if available.)

COMPLAINANT:

Name (Print)

Signature

Telephone Nos.

Address (Optional)

DATE OF COMPLAINT: _____

PLEASE READ INFORMATION ON REVERSE >>>

PLEASE NOTE

1) **Confidentiality**

Complaints' names will be kept confidential insofar as reasonably possible however confidentiality is not guaranteed.

2) **Responsibility of Property Owners**

The *Municipal Government Act*, S.N.S. 1998, c.18 as am. states as follows:

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

3) **Definition**

The *Municipal Government Act* defines "**dangerous or unsightly**" as follows:

s.3[®] "**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, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property, a building or structure
 - a) that is in a ruinous or dilapidated condition,
 - b) the condition of which seriously depreciates the value of land or buildings in the vicinity,
 - c) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
 - d) that is an allurements to children who may play there to their danger,
 - e) constituting a hazard to the health or safety of the public,
 - f) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
 - g) that is a fire hazard to itself or to surrounding lands or buildings, or
 - h) that has been excavated or had fill placed on it in a manner that results in a

hazard;

n.b. The above provisions are reproduced here for general information purposes only and are not to be relied upon as an official version of the legislation.

4) **Contact**

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