

Policy: **AD-015**
Coverage: **Town of Stellarton**
Council Approval: April 16, 2018
Effective Date: April 16, 2018



Administration of Dangerous and Unsightly Premises Policy

1. Purpose

1.1. The purpose of this policy is to outline the requirements to initiate an investigation of a property and the steps that will be undertaken through an investigation, order, clean-up and demolition of a property.

2. Scope

2.1. This policy will apply to all properties located within the Town of Stellarton. This policy will not apply where a Fire or Building Inspector or other official has authority to act under federal or provincial statute on the issues under consideration and has chosen to take action under that statute.

3. Definition

3.1. In this policy the term Demolition Order means an order to completely remove a building as contemplated by subsection 346(3) of the Municipal Government Act.

4. Delegation

4.1. Council retains its authority to carry out hearings and to issue dangerous and unsightly premises orders in instances in which a Demolition Order is being contemplated.

4.2. Pursuant to section 345(1) of the Municipal Government Act (MGA), Council delegates its authority to issue all other dangerous and unsightly premises orders to the Administrator of Dangerous or Unsightly Premises, an employee of the Town designated by the Town Clerk to be responsible for the dangerous and unsightly premises provisions of the MGA.

5. Clarifying Statements

5.1. Subsection 3(r) of the Municipal Government Act details conditions and hazards that constitute "dangerous or unsightly" properties. To assist in consistent application of Part XV of the MGA, additional explanations and clarifications to the subsection 3(r) interpretations are set out in Appendix A to this Policy.

6. Policy

6.1. It is the policy of the Town of Stellarton to ensure consistency in the approach taken in the investigation of dangerous or unsightly properties, and steps that will be followed through an investigation, order, clean-up or demolition of a property.

6.2. It is the intent of Stellarton Council that the exercise of the authorities granted under Part XV of the MGA and this policy be applied to provide a consistent, effective and timely response to dangerous and unsightly conditions on properties within the Town in order to reasonably protect residents from physical, health and economic harm caused by such conditions, while also being sensitive to the needs and circumstances of the owner of a property subject to a complaint of dangerous or unsightly conditions. The following process and procedures will be applied in dealing with such complaints. Appendix C summarizes the complaint handling process in a decision tree format to assist in the application of this policy.

6.2.1. Report of Dangerous or Unsightly Property

6.2.1.1. The Town shall only conduct an investigation of a dangerous or unsightly property once a complaint has been received. A complaint of a dangerous or unsightly property can be made by any resident or ratepayer of the town (the "complainant"). The complaint shall be documented in the form attached as Appendix B, and shall be signed by the complainant. Complaints shall be considered confidential, but are subject to Part XX of the Municipal Government Act & Freedom of Information and Protection of Privacy Act.

6.2.2. Investigation

6.2.2.1. Within fourteen (14) days of receiving a complaint, an initial site inspection will be conducted by the town, and a site inspection report prepared. If necessary, with approval from the Town Clerk for the Town of Stellarton, the Administrator may extend the period for completing the initial investigation by up to 30 additional days.

6.2.2.2. 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.

6.2.2.3. Where the clarifying statements in Appendix A specify that an unsightly or dangerous condition should be determined by a Building, Fire or other official, the Administrator should obtain a written report from the official in support of the investigation.

6.2.3. Follow-Up Action

Upon completion of the investigation:

6.2.3.1. If the Administrator determines that the property is not dangerous or unsightly, no action will be taken, and the complainant advised accordingly.

6.2.3.2. If the Administrator determines that the property is unsafe to its inhabitants, the Administrator may order to have the property vacated pursuant to section 349 of the MGA. Such a determination would ordinarily be made following receipt of a written report from an appropriately qualified professional.

6.2.3.3. If the Administrator determines that a dangerous or unsightly condition requires immediate action in order to protect public safety, the Administrator may take necessary action to prevent danger, or may remove the dangerous structure or condition pursuant to section 350 of the MGA. Such a determination would ordinarily be made following receipt of a written report from an appropriately qualified professional.

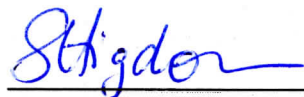
- 6.2.3.4. If the Administrator determines that the property is dangerous or unsightly, and where the underlying condition(s) are considered minor, the Administrator may implement an informal process for remediation and advise the property owner by regular mail or personal service, of what is required to remedy the dangerous or unsightly condition within thirty (30) days, or other reasonable time frame dependent on the extent of the work to be done or other restrictions.
- 6.2.3.5. Where the property owner has failed to act upon the informal process within the specified time, the Administrator shall immediately issue an Order to Remedy the condition(s) pursuant to section 346 of the MGA.
- 6.2.3.6. If the Administrator determines that the property is dangerous or unsightly, and where immediate action is deemed unnecessary and the Administrator has not chosen to act by means of an informal process, the Administrator shall immediately issue an Order to Remedy the condition(s) pursuant to section 346 of the MGA. An order pursuant to section 346 of the MGA shall specify the remediation work that must be completed. The order may include demolition and removal of the property as an acceptable alternative to the specified repairs. If demolition is specified as one acceptable alternative, this would not constitute a demolition order as contemplated in subsection 346(3) of the MGA.
- 6.2.3.7. If the Administrator has issued an Order to Remedy pursuant to section 346(1) of the MGA and the property owner has failed to complete the required repairs within the specified time, the Administrator shall, unless the costs of repair are found to be excessive as described below, immediately proceed to carry out the required work pursuant to subsection 348(3) of the MGA. Where the Administrator has obtained estimates of the cost to carry out the specified repairs and determined such costs to be unreasonably high relative to the value of the property, the Administrator may seek a Demolition Order from Council pursuant to subsection 346(3) of the MGA.
- 6.2.3.8. If the Administrator determines that the property is dangerous or unsightly and has obtained a written report from an appropriately qualified professional and is of the opinion that to remedy the condition demolition is necessary, a recommendation to issue a Demolition Order will be sent to Council for consideration. The owner shall be given notice of the Council session where the matter is to be discussed in accordance with the Municipal Government Act.

Town Clerk Annotation for Official Policy Book

Date of Notice to Council Members of Intent
To Consider (Minimum 7 Days): March 6, 2018

Date of Passage of Current Policy: April 16, 2018

I certify that this Policy was adopted by Council as indicated above.



Town Clerk

April 16, 2018
Date

APPENDIX A

Wording of Definition	Clarifying Statements
(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,	May also include, but not be limited to, equipment, or parts of equipment, machinery, tools, automotive parts, or other similar items, that are left out openly for a period of seven (7) days or more, in a strewn or unkempt manner visible to the general public or abutting property owners or residents.
(ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, or	May also include, but not be limited to, buildings or structures that are deemed to be dangerous or unhealthy under the Nova Scotia Fire Safety Act, Nova Scotia Building Code Act, or a municipal by- law (such as a Minimum standards By-law), and should be determined by the Building Official or Fire Inspector;
(iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person	May also include, but not be limited to, buildings or structures that are deemed to be dangerous or unhealthy under the Nova Scotia Fire Safety Act, Nova Scotia Building Code Act, or a municipal by- law (such as a Minimum standards By-law), and should be determined by the Building Official or Fire Inspector;
and includes property, a building or structure (iv) that is in a ruinous or dilapidated condition	May also include, but not be limited to, buildings or structures that are deemed to be dangerous or unhealthy under the Nova Scotia Fire Safety Act, Nova Scotia Building Code Act, or a municipal by- law (such as a Minimum standards By-law), and should be determined by the appropriate official;
(v) the condition of which seriously depreciates the value of land or buildings in the vicinity	Administration of this definition should require evidence from an accredited professional source, such as a professionally accredited property appraiser;
(vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes	May also include, but not be limited to, buildings or structures that are deemed to be dangerous or unhealthy under the Nova Scotia Fire Safety Act, Nova Scotia Building Code Act, or a municipal by- law (such as a Minimum standards By-law), and should be determined by the Building Official or Fire Inspector;
(vii) that is an allurements to children who may play there to their danger	Administration of this section should require evidence of children accessing the property or site, and may include, but not be limited to, open foundations, open stairwells, buildings, structures, or other similar items deemed to be dangerous and an allurements to children by not being fenced, gated, or otherwise properly secured so as to prevent access to the property or site;

(viii) constituting a hazard to the health or safety of the public	Administration of this section should require an interpretation from an applicable provincial statute (such as the Environment Act, Dangerous Goods Act, etc.), or a municipal by-law, and should be determined by the appropriate official;
(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained	<p>May include, but not be limited to:</p> <ul style="list-style-type: none"> • Undue amounts of peeled paint on exterior walls so as to be unsightly as deemed by the administrator; • Loose or missing boards on the exterior of buildings, so as to be unsightly as deemed by the administrator; • Loose or missing shingles, so as to be unsightly as deemed by the administrator; • Improper fenestration of window opening (such as inappropriate boarding of windows), so as to be unsightly as deemed by the administrator;
(x) that is a fire hazard to itself or to surrounding lands or buildings	Should be determined by the Fire Inspector, Building Official, Fire Marshall, or other professionally accredited fire safety officer, to be determined by the appropriate official
Limitations	<i>Complaints about the presence of rats, mice, skunks, raccoons, or other pests or vermin will not, as a rule, be investigated. It is the onus of property owners to take measures preventing such problems, and it may be impossible to detect the source of these problems. In rare cases, and with the direction of Town Council, a professional exterminator may be hired by the municipality if the problem is deemed to be "area wide", as opposed to "property specific".</i>
	<i>If staff determine that so called "nuisance" complaints are being levelled (such as "feuding" neighbours attempting to make life difficult for other neighbours, or in retaliation to such measures), staff can choose to either ignore, or to assign low priority to such complaints. Complainants will be advised of such actions.</i>
	<i>Complaints about graffiti, defacing of property, and similar matters are issues of vandalism, or in some cases even hate crimes, and may be forwarded to the police for investigation.</i>

APPENDIX B



BY-LAW ENFORCEMENT COMPLAINT FORM

- Dangerous/Unsightly Land Use Fire Building Other

Complaint Information:

Date Complaint Received: _____

Received By: Phone Letter Person Email

Location of Complaint: _____

Owner: _____

Details of Complaint: (be specific as possible)

Complaint Contact Information:

Complaint filed by: _____

Address: _____

Complainant Signature: _____

Office Use Only: **Date Complaint Received:** _____

Notes:

Appendix C

