

1. PURPOSE

In accordance with the Municipal Government Act, all properties in the Municipality will be maintained so they are not dangerous or unsightly. This Policy outlines the requirements for reporting a dangerous or unsightly property and the actions the Municipality will take where a property is alleged to be dangerous or unsightly.

2. DEFINITIONS

- a. "Administrator" means the employee of the Municipality or other persons designated by the Chief Administrative Officer to be responsible for the provisions of the Municipal Government Act, except where the context otherwise requires, and includes a person acting under the supervision and direction of the Administrator.
- b. "Council" means the Council of the West Hants Regional Municipality.
- c. "Dangerous or unsightly" as per Section 3(r) of the Municipal Government Act 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 or inflammable grass or weeds or other compostable material;
 - iii. an accumulation or collection of material 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 or 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 allurements 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 the 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,

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- 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.
- d. "Municipality" means West Hants Regional Municipality.
 - e. "*Municipal Government Act*" refers to Part XV *Dangerous or Unsightly Premises* of the Municipal Government Act.
 - f. "Owner" includes
 - i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building.
 - ii. in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building.
 - iii. a person who occupies shores, beaches or shoals, and
 - iv. in the absence of proof to the contrary, the person assessed for the property.

3. DELEGATION OF RESPONSIBILITIES

- a. Council delegates its authority under the *Municipal Government Act* to the Administrator, except the authority to order demolitions.
- b. Council delegates its authority to order demolitions under the *Municipal Government Act* to the Committee of the Whole.
- c. Council will hear appeals of orders issued by the Administrator or the Committee of the Whole.

4. REPORTING OF DANGEROUS OR UNSIGHTLY PREMISES

- a. All complaints of dangerous or unsightly premises by a resident must be on the complaint form approved by the Administrator, which includes the complainants name and contact information.
- b. Incomplete complaint forms will not be investigated unless there is an immediate public safety concern based on the information provided.
- c. Complaints of dangerous or unsightly premises are confidential but may be revealed in accordance with the Freedom of Information and Protection of Privacy Act of Nova Scotia, Part XX of the Municipal Government Act or a court order.
- d. The Administrator will, at least twice a year, provide a public report to Council describing the status of dangerous or unsightly property orders and the remedial progress made.

5. INVESTIGATIONS AND DETERMINATIONS

- a. Once a completed complaint form has been filed with the Administrator, an investigation will be conducted to determine if the property is dangerous or unsightly. The investigation may be delegated by the Administrator to appropriate Municipal staff and may include photographs and/or video recordings documenting the property's condition, obtaining further details from the complainant, and discussing the condition of the property with the owner.
- b. The Administrator will determine if the property is dangerous or unsightly and what action is necessary.
- c. If the property is dangerous or unsightly but immediate action is unnecessary, the Administrator may:
 - i. send a letter to the owner, by registered mail, notifying them of the complaint and what is required to remedy the conditions within 30 days or other reasonable time frame based on inclement weather or other restrictions.
 - ii. if the owner does not remedy the conditions within the determined time frame, then the Administrator will issue an Order to the owner to remedy the condition or refer the complaint to the Committee of the Whole for a Demolition Order.
- d. If the property is dangerous or unsightly and requires immediate action, the Administrator may take one or more of the following actions:
 - i. issue an Order to the owner to remedy the conditions;
 - ii. issue an Order to the owner to vacate the property;
 - iii. refer the complaint to the Committee of the Whole for a Demolition Order; or
 - iv. take immediate actions necessary to prevent the danger, including the removal of the dangerous structure or condition, for the purpose of public safety. (Also refer to Section 9 Costs and Penalty)

6. DEMOLITION

- a. If the complaint is referred to the Committee of the Whole for a Demolition Order, the owner will be notified, not less than seven (7) days before, of the time, date and place of the Committee of the Whole meeting which will consider the Demolition Order.
- b. The notice will be sent to the owner by registered mail at least fourteen (14) days before the meeting and will be posted in a noticeable place on the property at least seven (7) days before the meeting.

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- c. At the Committee of the Whole meeting where the Demolition Order will be considered, the owner may appear and be heard before any order is made.
 - d. Where a building or other structure may be ordered for demolition, the Administrator will:
 - i. cause a subsearch through the Land Registry from the date of the deed of the owner up to the present date and cause a twenty (20) year judgement search on the owners of the property to determine the owners of the property and any encumbrances against the property, and if so, the addresses of the encumbrancers;
 - ii. determine if there are any ongoing investigations of the building or structure by the Royal Canadian Mounted Police, Fire Marshal's Office or other law enforcement agencies;
 - iii. determine if the building or structure was insured and if so, the name and address of the insurance company;
 - iv. send a copy of the notice to the owners by registered mail to all encumbrancers, the insurance company and if appropriate the Royal Canadian Mounted Police, Fire Marshal's Office or other law enforcement agencies.
 - e. Where a demolition Order has been made by the Committee of the Whole, the owner will obtain from the Municipality a demolition permit and the Municipality will waive the fee for such permit.
 - f. Where an Order requires the demolition or removal of a building or structure, the Administrator may cause the occupants to be removed, using force if required, to complete the demolition.

7. ORDERS

- a. All Orders issued by the Administrator or the Committee of the Whole will be sent to the owner by registered mail or served upon the owners and posted on the property in a noticeable place.
- b. An Order on a property which sold for non-payment of taxes will be sent to both the previous owner and the person who bought the property at tax sale, if the redemption period has not expired.
- c. All Orders should provide at least thirty (30) days for compliance by the owner. This time period may be extended or lessened depending on public safety, weather or other restrictions.
- d. Where the owner fails to comply with an Order of the Administrator or Committee of the Whole within the specified time frame or at the request of the owner, the Administrator may cause the work specified in the Order to be carried out without a warrant or other legal process.

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- e. The Administrator will follow the Procurement and Tendering Policy of the Municipality when causing remedial work to be done on a property.

8. APPEALS

- a. The owner may appeal an Order of the Administrator or Committee of the Whole to Council within seven (7) days after the Order is made.
- b. Appeals will be received by the Administrator in written form from the owner, and will reference the property and Order being appealed and signed.
- c. The owner will be notified, not less than seven (7) days before, of the time, date and place of the Council meeting which will consider the appeal.
- d. The Order which is under appeal will be suspended until a decision by Council is made.

9. COSTS AND PENALTY

- a. If the owner fails to comply with an Order and the Administrator causes the remedial work to be done, the cost of the work and interest will be collected in the same manner as ordinary taxes. The cost will form a lien against the property.
- b. Where the owner fails to comply with an Order, the owner may be charged in accordance with the powers granted under the *Municipal Government Act*.

10. OTHER

- a. Powers, responsibilities, abilities and procedures not specifically stated in this Policy will be in accordance with the Municipal Government Act as amended from time to time.
- b. Where there is a conflict between this Policy and the *Municipal Government Act*, the *Municipal Government Act* will prevail.

11. REPEAL

The Dangerous or Unsightly Policy, COGE-009.00, of the former District of Municipality of West Hants dated July 10, 2018 is hereby repealed.

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I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the **26th** day of **May, 2020**.



R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	May 12, 2020
<i>Approval:</i>	May 26, 2020
<i>Description:</i> Initial approval of the Dangerous or Unsightly Premises Policy, RCOGE-005.00.	