

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

**POLICY MDL- 32  
ENFORCEMENT POLICY**

**PURPOSE**

To establish a clear procedure for the enforcement of certain By-laws, Provincial Acts and Regulations in force within the Municipality of the District of Lunenburg, hereafter referred to as the Municipality.

**POLICY STATEMENT**

1. The Municipality shall follow the procedures set out in this policy for enforcing the following:

a. Municipal Government Act -Schedule 16 of the Summary Offence Ticket Regulations

PART XV – Dangerous and Unsightly Premises.

- (i) Failing to maintain property so as not to be dangerous or unsightly;
- (ii) Permitting, causing or continuing to permit or cause dangerous or unsightly condition after an Order to remedy served;
- (iii) Failing to comply with an Order to remedy dangerous or unsightly condition;

b. Nova Scotia Building Code Act – Schedule 17 of the Summary Offence Ticket Regulations

- (i) constructing or demolishing a building without a permit;
- (ii) occupying or change the class of occupancy of a building, without a permit;
- (iii) Failing to comply with any order, direction or requirement of the Nova Scotia Building Code Act;
- (iv) Contravening the Nova Scotia Building Code Act or any of its regulations;
- (v) Failing to comply with an order made pursuant to Section 12 of the Nova Scotia Building Code Act; and

c. Such other or further matters as may be added by amendment to this policy

2. **Investigation of a Building Code Act Offense / Efforts to Achieve Compliance.**

The Building Inspectors are responsible for the investigation of all alleged violations of the Nova Scotia Building Code Act. Upon determination by the Building Inspector(s) that a violation has

occurred, reasonable steps shall be taken to have the owner, of the lands upon which the violation has occurred, remedy the violation.

Subject to section 2(c) hereof, the steps taken by the Building Inspector shall include:

- a) Where the violation is noted on-site, the Inspector shall leave, on site, with the owner or owners representative, a handwritten note on an inspection sheet which advises of the violation and the need to remedy the same. In addition, reasonable efforts shall be made by the Inspector to contact the owner or owners representative, when not available on-site, to verbally advise the owner or owners representative of the violation; and
- b) Upon return to the Office, the Building Inspector shall prepare and send a written notice of the violation to the owner, outlining the steps necessary to remedy the same. The Building Inspector shall set a reasonable time limit within which the violation must be remedied. The length of this time limit will be dependent upon a number of factors, including, but not limited to:
  - i) whether there is a significant risk to human life, health, property or the environment;
  - ii) relevant history; or
  - iii) whether the violation is a repeat offence by the owner.

A copy of this written notice shall be provided to the Councillor representing the District in which the subject property is located;

- c) Where the violation involves the commencement of construction without a permit, or if there is deemed to be an unsafe situation, the Building Inspector shall issue a Stop Work Order upon discovery of the violation, pursuant to Article 2.5.1 (2.5.1.2) (b) of the Nova Scotia Building Code Regulations and Section 12 of the Nova Scotia Building Code; and
- d) Upon expiration of the time limit for remedy of the violation as noted in clause 2 (b), the Building Inspector shall conduct an inspection to determine if compliance has occurred. If the owner has not remedied the violation the Inspector shall either:
  - (i) Provide an extension, upon the request of the owner and where deemed valid, reasonable and appropriate by the Building Inspector;
  - (ii) Issue an Order to the owner pursuant to Article 2.5.1 (2.5.1.2) of the Nova Scotia Building Code Regulations and Section 12 of the Nova Scotia Building Code Act. The Building Inspector shall require that the Order be carried out forthwith or within such reasonable time as the Building Inspector specifies. In addition to the requirements of the Nova Scotia Building Code Act and

Regulations, a copy of an Order shall be provided to the Councillor representing the District in which the subject property is located; or

- (iii) Where the violation does not warrant an Order, proceed to prosecution in accordance with Section 4 of this Policy. In such case the Councillor representing the District in which the subject property is located, shall be advised of the prosecution.

**3. Investigation of a Dangerous and/or Unsightly Offense / Efforts to Achieve Compliance**

The Administrator of Dangerous and Unsightly Matters shall be responsible for investigating alleged dangerous and/or unsightly properties. The procedure for investigating dangerous and unsightly matters shall be as per Policy MDL-07, Dangerous and Unsightly Property. The procedure for notifying owners of offences and seeking a remedy shall be as per Policy MDL-07, Dangerous and Unsightly Property.

**4. Prosecution Procedures**

Prosecution of a owner(s) for violations shall only occur once reasonable steps to remedy, as outlined in Section 2 and Section 3 of this policy, have been taken by the Building Inspector or Administrator of Dangerous and Unsightly Matters and the owner has not remedied the violation. All decisions respecting the laying of a charge will be made based on sound judgment and principles of fairness and equity. In addition, the Municipality shall follow established principles in deciding whether to lay charges; which shall be:

- a) The decision to lay a charge concerning a minor offence using a Summary Offence Ticket (SOT) will be the decision of the Inspector;
- b) The Building Inspector or Administrator of Dangerous and Unsightly Matters will only proceed with a charge where there are reasonable grounds to believe that an offence has occurred.;
- c) The decision to lay a charge concerning an offence of a more serious nature, or which involve repeat offenders, as well as the method of charge used will be made by the Building Inspector or Administrator of Dangerous and Unsightly Matters in consultation with the Solicitor, Director of Planning and Development Services and the Chief Administrative Officer.

- 5. The laying of charges shall be done in accordance with the Summary Proceedings Act and the Summary Offence Ticket Regulations.