

# Municipality of the District of Lunenburg POLICY

Title: <b>Dangerous and Unsightly Property</b>	
Policy No. <b>MDL-07</b>	
Effective Date: <b>April 1, 1999</b>	Amended Date: <b>Feb. 11, 2003; Sept. 14, 2004; Feb. 10, 2009; July 14, 2009; Sept. 14, 2010; Oct. 13, 2015.</b>

## 1.0 Purpose

- 1.1 It is the desire of the Council that every property in the Municipality be maintained such that the property is not dangerous or unsightly. This policy defines the manner of action the Municipality will undertake where a property is alleged to be dangerous or unsightly.
- 1.2 Dangerous and unsightly premises and/or properties subject to this policy will be as defined in section 3(r) of the Municipal Government Act of Nova Scotia, as amended from time to time. **[July 14, 2009]**
- 1.3 **[deleted, July 14, 2009]**
- 1.4 **[deleted, July 14, 2009]**

## 2.0 Delegation

- 2.1 The Council delegates its authority to act on dangerous and unsightly properties to the Administrator, except the authority to order demolition.
- 2.2 The Council delegates its authority to order demolition of a dangerous or unsightly premises and to hear appeals of orders made by the Administrator to the Dangerous and Unsightly Property Committee. **[amended: October 13, 2015]**
- 2.3 **[deleted, September 14, 2004]**

### **3.0 Report of Dangerous or Unsightly Condition**

- 3.1 The reporting of a dangerous or unsightly property can be made by a resident or rate payer of the Municipality or by the Administrator. The report of dangerous or unsightly property made by a resident or rate payer of the Municipality will be accompanied by the name of the reporting resident or ratepayer. Each report of a dangerous or unsightly property will be duly recorded on a form for this purpose, and within fourteen (14) days, will be followed up by an initial site inspection and subsequent inspection report, conducted and prepared by the Administrator. **[amended: Sept. 14, 2010]**
- 3.2 The Administrator will only reveal the name of a reporting resident or rate payer of the Municipality, consistent with the Nova Scotia Freedom of Information and Protection of Privacy Act, Ch. 5, 1993, amended ch.11.1999.

### **4.0 Initial Site Report**

- 4.1 In the preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.
- 1) If the Administrator determines that the property is not dangerous or unsightly, no action will be taken.
  - 2) If the Administrator determines that the property is unsafe, the Administrator may make an order to have the property vacated.
  - 3) If the Administrator determines public safety requires immediate action, the Administrator may take action to prevent damage or may remove the dangerous structure or condition.
  - 4) If the Administrator determines that the property is dangerous or unsightly, and where immediate action is unnecessary, the Administrator shall so advise 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 letter was registered, or other reasonable time frames dependent on inclement weather or other restrictions.

- 5) Where an alleged dangerous or unsightly property has been reported by a resident or ratepayer, the Administrator shall advise the reporting person of the action taken.
  
- 6) A monthly summary of all reports made and actions taken/current status with respect to dangerous and unsightly properties will be submitted to the Dangerous and Unsightly Property Committee by the Administrator.  
**[amended: October 13, 2015]**
  
- 7) A repeat offender is the owner of a property for which the Municipality has received a valid second complaint within 365 days of the previous valid complaint. **[Feb. 10, 2009]**

## **5.0 Order**

5.1 In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given pursuant to section 4.4 herein, the Administrator may order the owner to remedy the condition, or, in the event of a repeat offender, the Administrator may order immediate remedy, except ordering demolition as a remedy. The Order shall be posted on the property and a copy shall be sent to the owner by Registered Mail. In the event that the owner does not receive the Registered Mail, the owner shall be personally served or served by substituted service. **[Feb. 10, 2009]**

5.2 An Order made by the Administrator may be appealed to the Dangerous and Unsightly Property Committee within seven days after the order is made.  
**[amended: October 13, 2015]**

## **6.0 Demolition**

6.1 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 Dangerous and Unsightly Property Committee meeting at which the making of such order will be considered and the Committee can decide to order demolition. **[amended: October 13, 2015]**

**7.0 Court Order**

7.1 Notwithstanding sections 4, 5 and 6 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.

**8.0 Charges**

8.1 Where the owner fails to comply with an Order made pursuant to Section 5 or 6 herein within thirty days after being served and 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 One Thousand Five Hundred Dollars (\$1,500.00), the Administrator shall obtain the approval of the Dangerous and Unsightly Property Committee before carrying out the work.

**[amended: October 13, 2015]**

8.2 Where the owner fails to comply with an Order made pursuant to Section 5 or 6 herein, within:

- 1) thirty days of service where the property is not declared to be in a dangerous condition, or
- 2) the time specified in the order, but not more than within thirty days of service, where the property is declared to be in a dangerous condition the owner may be charged pursuant to the powers granted under the *Municipal Government Act*.

<b>Annotation for Official Policy Book</b>	
Date of Adoption:	<u>April 1, 1999</u>
Date of Notice to Council Members off Intent to Consider Amendments (7 days minimum)	<u>October 6, 2015</u>
Date of Passage of Amendments:	<u>October 13, 2015</u>
I certify that this " <i>Dangerous and Unsightly Property</i> " Policy was adopted by Council as indicated above.	
_____	_____
Sherry Conrad, Acting Municipal Clerk	Date: