



POLICY

Dangerous or Unsightly Premises Policy

Policy Number: 215-003	Supersedes Policy Number: Not Applicable
Effective Date: 2017-06-20	Approved by Council Motion Number: 27-06-17

1.0 Purpose

The purpose of this policy is to delegate the Town's powers and set priorities with regard to Part XV of the *Municipal Government Act* (Dangerous or Unsightly Premises).

Part XV of the *Municipal Government Act* states, "Every property in a municipality shall be maintained so as not to be dangerous or unsightly".

2.0 Scope

This policy applies to all properties in the Town of Wolfville.

3.0 References

- 3.1 [Municipal Government Act](#), Part XV
- 3.2 Dangerous or Unsightly Premises Standard Operating Procedures, 215-801
- 3.3 Quasi-Judicial Appeal Hearing Procedure, 110-802

4.0 Definitions

- 4.1 For the purpose of this policy and associated procedure, the definition of **Dangerous or Unsightly** will be the same as contained in the *Municipal Government Act*, currently Section 3, definition (r).
- 4.2 **Hearing** means any consideration of an appeal of an Order to Remedy or the demolition of a property brought before council or a court of competent jurisdiction.

5.0 Policy Statement

- 5.1 Council delegates its authority to declare a property as dangerous or unsightly to the Dangerous or Unsightly Premises Administrator. The Administrator will determine whether or not a property is considered dangerous or unsightly in accordance with the definition of such in the *Municipal Government Act*.
- 5.2 Council under the provisions of the Dangerous or Unsightly Premises contained in the *Municipal Government Act* can issue an order to demolish a building.



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- 5.3 Council delegates its authority to bring into compliance a property which has been declared dangerous or unsightly to the Administrator. The Administrator will utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to achieve compliance.
- 5.4 Council retains its authority under the provisions of the Dangerous or Unsightly Premises provisions contained in the *Municipal Government Act* to conduct appeal hearings when an appeal is launched against an order to demolish a building.
- 5.5 Council will hold an appeal hearing when an appeal is launched against a decision of the Administrator.

6.0 Roles

6.1 Council:

- 6.1.1 Upon recommendation by the administrator, Council will make a decision on the issuance of an order to demolish a building.
- 6.1.2 Upon an appeal of a decision of the Administrator, Council will determine if a property is dangerous or unsightly and any remedial action to be taken.

6.2 Administrator:

- 6.2.1 Receive all complaints in relation to this policy.
- 6.2.2 Conduct an initial investigation of the complaint and determine if the property is dangerous or unsightly in accordance with the relevant provisions contained within the *Municipal Government Act*.
- 6.2.3 Utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to bring a property into compliance.
- 6.2.4 Provide regular updates to Council detailing number of complaints, type of infraction, number of open files and number of resolved files.

7.0 Complaints

- 7.1 Complaints shall be received in a written format either on a Town of Wolfville Complaint Form or via letter or email. Each complaint must include the complainant's name and contact information. Anonymous complaints will not be investigated.
- 7.2 Complaints shall contain specific information, including the address of property where the complaint exists, the date that the dangerous or unsightly condition existed and what specifically the complainant believes is causing the dangerous or unsightly condition.
- 7.3 Complaints may be received by Staff or Council.
- 7.4 All complaints shall be submitted to the Administrator.
- 7.5 The Administrator shall acknowledge receipt of a complaint to the complainant.



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- 7.6 Complaints shall be considered confidential but are subject to Part XX of the *Municipal Government Act, Freedom of Information and Protection of Privacy*.

8.0 Enforcement

- 8.1 Enforcement of the Dangerous or Unsightly Premises section of the *Municipal Government Act* will primarily be on a complaint basis.
- 8.2 It is recognized that there are limited staff resources to carry out the function of this policy. Therefore, the following priority will be followed when dealing with dangerous or unsightly files:
- 8.2.1 Dangerous Properties;
 - 8.2.2 Unsightly Properties with multiple complaints
 - 8.2.3 Unsightly Properties with one complaint
 - 8.2.4 Staff initiated actions

9.0 Hearings

- 9.1 Notification of any hearing will be delivered no less than seven (7) days prior to the hearing. In cases where the owner cannot be located, notice of the hearing may be posted on the property no less than seven (7) days prior to the hearing.
- 9.2 The complainant will be notified of the hearing in writing no less than seven (7) days prior to the hearing.
- 9.3 The Administrator's report will not be made public prior to the hearing.

10.0 Appeals (Administrator Decisions)

- 10.1 Any decision of the Administrator may be appealed to Council within seven days of such decision. Such appeal must be submitted in writing to the Town Clerk.
- 10.2 Appeal hearings shall follow the procedures outlined in the Quasi-Judicial Appeal Hearing Procedure, 110-802
- 10.3 Appeals may be lodged by the property owner or complainant.
- 10.4 Council may make any decision that the Administrator could have made.
- 10.5 A decision of Council is not appealable.



CAO

2017-06-20

Date