
Municipality of Cumberland Policy 24-01

Dangerous or Unsightly Premises Policy

Purpose

1. The purpose of this Policy is to ensure effectiveness and fairness in the enforcement of the provisions of Part XV of the Municipal Government Act (the "MGA").

Objectives

2. The objectives of this Policy are:
 - (a) To protect the safety of the public
 - (b) To minimize the negative effects of dangerous or unsightly premises
 - (c) To ensure the treatment of property owners is fair and consistent.
 - (d) To ensure issues and complaints are dealt with in a timely and effective manner.
 - (e) To repeal and replace Dangerous or Unsightly Premises Policy 09-02

Definitions

3. In this Policy the meaning of words and phrases shall have the same meaning as set out in the Municipal Government Act, 1998, c 18.

Delegation

4. Council delegates its authority under Part XV of the MGA to the Administrator, except for the authority to order demolition.

Complaints

5. The Administrator will only investigate a potentially dangerous or unsightly property after having received a complaint.
6. Any resident or taxpayer may file a complaint by completing and submitting the prescribed form as same may be amended from time to time. In a circumstance where a complaint is filed by a Councillor of the Municipality, the Councillor lodging the complaint shall not be eligible to vote with respect to any actions or orders which may arise as a result of the complaint.

Investigation and Documentation

7. Upon receipt of a complaint regarding a potentially dangerous property, the Administrator will cause the complaint to be investigated as expeditiously as possible.
8. If the Administrator is not satisfied upon investigation, that a property is dangerous or unsightly, that conclusion shall be communicated to the complainant and the file closed.

Orders and Requests for Action

9. Where public safety requires immediate action, the Administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition" without obtaining an order from Council, pursuant to s. 350 of the MGA.
10. If, upon investigation, the Administrator finds the property or premises to be dangerous or unsightly, but not posing an immediate danger or hazard, they shall inform the owner of the nature of the dangerous or unsightly condition and ask the owner to remedy the condition within a period of time specified by the Administrator.
11. If a property owner fails to successfully complete the requested remedial work, then the Administrator may issue an order for the work to be completed.

Content of Administrator's Orders to Remedy

12. All orders to remedy the condition of dangerous or unsightly property shall include the following information:
 - the owner's name(s) and mailing address(es) (if known)
 - the PID of the property in question
 - the civic address of the property,
 - an order to remediate the property, detailing the conditions to be remedied and specifying what is required to be done
 - a deadline for completing the remediation
 - the power of the Administrator to enter upon the property and carry out the work specified in the order if the order is not complied with
 - the right of the owner, pursuant to s. 346 of the MGA, to appeal the order to Council, by providing written notice to that effect, delivered, or post marked, no later than seven (7) days after the date of the order.

Demolition

- 13. When the Administrator believes a dangerous or unsightly condition exists which should be remedied by demolition and that condition does not constitute an immediate danger, then the Administrator may bring an application before Council for an order for demolition in accordance with the provisions of the MGA.

- 14. Where the Administrator proposes to order demolition, the owner shall be given not less than seven (7) days notice, in the manner permitted by Section 346(4) of the MGA, of the date, place and time of the council meeting at which the order will be considered. The owner may make submissions to council upon giving prior notice of such intention to the Municipal Clerk.

Court Order

- 15. The foregoing notwithstanding, 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 remedy the condition, by removal, demolition or repair.

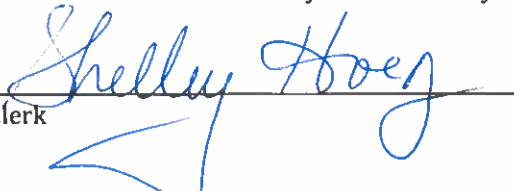
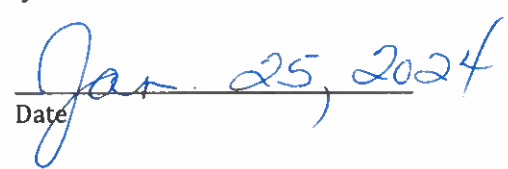
Recovery of Costs

- 16. If the remedial work or demolition set out in an order is not completed within the required time frame, the Administrator may carry out the work specified in the order without further notice to the owner.

- 17. The costs to perform the remedial work or demolition and disposal of a structure or debris, shall form a first lien on the property pursuant to section 507 of the MGA.

Effective Date

- 18. This Policy is effective upon adoption and repeals/replaces Dangerous or Unsightly Premise Policy 09-02.

<u>Clerk's Annotation for Official Policy Book</u>	
Date of Notice to Council Members of Intent to Consider [7 days minimum]: <u>January 17, 2024</u> Date of Passage of Current Policy: <u>January 24, 2024</u>	
I certify that this Policy was adopted by Council as indicated above.	
 Clerk	 Date