

Municipal Government Act

PART XV (Pages 190 – 193)

DANGEROUS OR UNSIGHTLY PREMISES

Requirement to maintain property

344 Every property in a municipality shall be maintained so as not to be dangerous or unsightly. 1998, c. 18, s. 344.

Authority to delegate and requirement to report

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator. (2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality. (3) The administrator shall at least twice per year table a public report to the council describing the status of dangerous or unsightly property orders including remedial progress made regarding properties for which orders were issued pursuant to this Part. 1998, c. 18, s. 345; 2011, c. 4, s. 7.

Order to remedy condition

346 (1) Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done. (2) An owner may appeal an order of the administrator to the council or to the committee to which the council has delegated its authority within seven days after the order is made. (3) Where it is proposed to order demolition, before the order is made not less than seven days notice shall be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made. (3A) Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting. (4) The notice may be served by being posted in a conspicuous place upon the property or may be served upon the owner. 1998, c. 18, s. 346; 2000, c. 9, s. 51; 2011, c. 4, s. 8.

Order to remedy condition

347 (1) A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair. (2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied. (3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied. 1998, c. 18, s. 347. Effect of order 348 (1) In this Section, “order” means an order made by the administrator, committee, council or court pursuant to this Part. (2) An order may be served by being posted in a conspicuous place upon the property or may be served upon the owner. (3) Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order. (3A) repealed 2003, c. 9, s. 77. (4) After the order is served, any person who permits or

causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months. (4A) Any monetary penalty payable pursuant to subsection (4) may not be remitted pursuant to the Remission of Penalties Act unless the penalty relates to a property that is the primary residence of the person required to pay the penalty. (5) Every day during which the condition is not remedied is a separate offence. (6) Where an order requires the demolition or removal of a building, the administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal. 1998, c. 18, s. 348; 2001, c. 35, s. 22; 2003, c. 9, s. 77; 2006, c. 40, s. 15; 2011, c. 4, s. 9.

Order to vacate unsafe property

349 (1) A property within a municipality that is unsafe shall be vacated forthwith upon order of the administrator. (2) The administrator shall post notice that the property is unsafe in a conspicuous place on the property. (3) The notice shall remain posted until the unsafe condition is remedied. 1998, c. 18, s. 349.

Immediate action

350 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. 1998, c. 18, s. 350.

Notice

351 Where land is sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and where the purchaser of the land is (a) the municipality, any notice required to be given with respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately before the day on which the land was sold; and (b) any person other than the municipality, the notice shall be given to both the person entitled to receive it immediately before the day on which the land was sold and the purchaser at the tax sale. 1998, c. 18, s. 351.

Power to enter land

352 (1) The administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant. (2) Except in an emergency, the administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance. (3) If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. 1998, c. 18, s. 352.

No action

353 No action shall be maintained against a municipality or against the administrator or any other employee of a municipality for anything done pursuant to this Part. 1998, c. 18, s. 353.