TOWN OF SUSSEX POLICY

Subject	Number
DANGEROUS & UNSIGHTLY PREMISES & MAINTENANCE OCCUPANCY STANDARDS FOR RESIDENTIAL PROPERTIES ADMINISTRATIVE PROCEDURE	C-29

Date	Approved by	Date
JULY 21, 2020	COUNCIL [X] OTHER(S) [ ]	MARCH 19, 2012
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This Policy is carried out upon receipt of complaint(s) or for routine inspections by the Building Inspector under the Town of Sussex Dangerous or Unsightly Premises By-Law, By-Law # 1100-19 and the Maintenance and Occupancy Standards for Residential Properties By-Law, By-Law # 701-19, where action by the property owner is deemed necessary by the Building Inspector, Works Committee, and/or both.

STEP # 1: INSPECTION

The Building Inspector shall conduct a detailed inspection, develop & submit to the Works Committee a report of any and all violations on said property.

The report shall contain, but not limited to, the following:

1. Nature of the complaint or inspection.
2. Date of inspection.
3. Inspection details.
4. Date of submission for committee review.
5. Committee action, if so required.
6. Date of approved action.
7. Specify and record if an emergency situation exists.

STEP # 2: VERBAL NOTICE

After briefing the Works Committee, the Building Inspector shall contact the property owner(s) by verbal notice (a) on site or (b) by telephone and then forward a hand delivered letter, if possible, and a registered letter outlining the violations to the property owner(s) with a reasonable but specific date for correction of the violations.

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Following the review and the Works Committee acceptance of the Building Inspector's report and recommendation that an emergency situation exists, proceed to Administrative Procedure Policy Step 6.

If the violation continues beyond the 1st specified date, a 2nd hand delivered letter, if possible, and a registered letter shall be forwarded to the property owner(s) giving them an additional 10 days for compliance.

The Building Inspector shall inspect the premises after each specified date.

If the violation continues beyond the 2nd specified date, the Building Inspector will prepare and submit to the Works Committee a fact sheet of the violations together with a draft NOTICE TO COMPLY for Committee review.

The fact sheet shall contain, but not limited to the following:

1. Date of verbal notice.
2. Date of 1st hand delivered letter and registered letter.
3. Set date for compliance of 1st verbal notice letter.
4. Date of 2nd hand delivered letter and registered letter.
5. Set date for compliance of 2nd verbal notice letter.
6. Draft NOTICE TO COMPLY.

STEP # 3: COMMITTEE APPEARANCE

If the property owner(s) fails to comply, the owner(s) will be invited in writing by hand delivered letter to appear at the next Works Committee meeting to explain their reasons for not rectifying the violations.

The hand delivered letter shall include, but not limited to:

1. Date for the owner to appear before the Works Committee.
2. Committee action requested.
3. Date of approved action and notice to appear.
4. May include a draft of the NOTICE TO COMPLY.

If the Committee is not satisfied with the owner(s) explanation or if the owner(s) fails to appear or if this is a repeat offence, the Committee shall instruct the Building Inspector to complete the draft of the NOTICE TO COMPLY for resolution of Council and will recommend to Council whether or not to proceed to have the violations corrected under By-Law # 701-19 and/or By-Law # 1100-19 at the next regularly scheduled Council meeting.

STEP # 4: ISSUANCE OF NOTICE TO COMPLY

Where steps 1 through 3 inclusive have been unsuccessful in resolution of the compliance issue and or action, and, where the condition of a premises, dwelling, dwelling unit or structure does not comply with either By-Law # 701-19 or By-Law # 1100-19, the Building Inspector shall notify the owner or occupier of the premises, dwelling, dwelling unit or structure by NOTICE TO COMPLY which shall:

1. be in writing;
2. be signed by the Building Inspector;
3. state the manner in which the premises, dwelling, dwelling unit or structure does not comply with this by-law;
4. state what must be done to correct the condition;
5. state the date before which the condition must be corrected;
6. if an appeal may be brought under the by-laws, state the final date for giving notice of the appeal; and

7. the Building Inspector shall register, in the appropriate land registration office, a certified copy of the NOTICE TO COMPLY.

STEP # 5: FAILURE TO COMPLY WITH NOTICE

If the property owner(s) fails to comply with the notice, and does not appeal the ordered action of the NOTICE TO COMPLY the Building Inspector shall:

1. If a NOTICE TO COMPLY has been given under Section 7 of By-Law # 701-19, or any notice under By-Law # 1100-19, other than a notice prepared under subsection 9.10 of By-Law # 701-19, or any notice under By-Law # 1100-19, and the owner or occupier does not comply with the NOTICE TO COMPLY, as deemed confirmed or as confirmed or modified by the Sussex Maintenance & Occupancy Standards Appeal Committee or a Judge under Section 9.9 of By-Law # 701-19 and Sections 134 (8) to 134(11) of the *Local Governance Act*, within the time set out in the notice, the municipality may, rather than commencing proceedings in respect of the violation or in addition to doing so, cause the condition or a portion of the condition as set out in the NOTICE TO COMPLY to be repaired or remedied and the cost of carrying out such work, including any related charge or fee, will be chargeable to the owner or occupier and becomes a debt due to the municipality.

2. For the purpose of subsection 12 (1) of By-Law # 701-19, or any notice under By-Law # 1100-19, the Building Inspector who gave the NOTICE TO COMPLY in respect of the premises, dwelling, dwelling unit or structure and the employees of the municipality or other persons acting on behalf of the municipality may, at all reasonable times, enter upon the premises, dwelling, dwelling unit or structure, in order to repair or remedy the premises, dwelling, dwelling unit or structure, as the case may be.

3. A municipality or a person acting on its behalf is not liable to compensate an owner or occupier or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under By-Law # 701-19, By-Law # 1100-19, or both.

STEP # 6: EMERGENCY SITUATIONS

If in the event the Building Inspector or the Works Committee, or both, deem an emergency exists where an *"emergency"* includes a situation in which there is imminent danger to public safety or of serious harm to the premises, dwelling, dwelling unit or structure, the following actions may be taken by the Building Inspector, the Works Committee, and/or both:

1. If upon inspection of a property under section 144 of the *Local Governance Act,* the Building Inspector is satisfied that there is nonconformity with a by-law under Section 10(1)(d) of the said Act to such an extent as to pose an emergency, the Building Inspector may prepare and sign a notice referred to in Section (7) of By-Law # 701-19 requiring the owner or occupier of the premises, dwelling, dwelling unit or structure in respect of which the notice is prepared to immediately carry out work to terminate the danger.

2. After having prepared and signed a NOTICE TO COMPLY referred to in Section (7) of By-Law # 701-19, the Building Inspector may, either before or after the notice if given under section 7(1) of By-law 701-19, take any measures necessary to terminate the danger giving rise to the emergency and, for this purpose, the Building Inspector who prepared the notice and the employees of the municipality or other persons acting on behalf of the municipality may, at any time, enter upon the premises, dwelling, dwelling unit or structure in respect of which the notice was prepared.

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3. A municipality or a person acting on its behalf is not liable to compensate an owner or occupier or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under By-Law # 701-19, By-Law # 1100-19, or both.

NOTES:

1. If the owner(s) of premises become repeat offenders under the provisions of the Town of Sussex Dangerous & Unsightly Premises By-Law, subsequent offences will begin at Step # 3 with the drafting of a resolution for Council consideration.

2. Where an action or by-law infraction is deemed a TICKETABLE OFFENCE and upon the service of a ticket by a Building Inspector, a person who:

   a) commits an offence under Section 131(2) or 131(3) of the Local Governance Act may pay an amount of one thousand dollars ($1000.00) and upon such payment, the person is not liable to be prosecuted for the offence;

   b) violates any provision of By-Law # 701-19 may pay an amount of two hundred dollars ($200.00) and upon such payment, the person is not liable to be prosecuted for the offence.