

## **HALIFAX REGIONAL MUNICIPALITY**

### **BY-LAW NUMBER D-300**

### **RESPECTING DERELICT BUILDINGS**

**BE IT ENACTED** by the Council for the Halifax Regional Municipality pursuant to section 172 and Part XV of the Municipal Government Act as follows:

#### **Title**

1. This by-law may be cited as By-law D-300, “Derelict Building By-law”.

#### **Definitions**

2. In this By-law:
  - (a) “Administrator” means the administrator appointed pursuant to section 345(1) of the *Municipal Government Act*.
  - (b) “Council” means the Halifax Regional Council.
  - (c) “Dangerous or Unsightly Premises Committee” means a committee of Council that administers buildings deemed to be Dangerous or Unsightly under provisions as set out in the *Municipal Government Act*.
  - (d) “Derelict Building” means a building that is vacant, neglected, poorly maintained, and unsuitable for occupancy which may include a building:
    - (i) that is in a ruinous or dilapidated condition,
    - (ii) that the condition of which seriously depreciates the value of land or buildings in the vicinity,
    - (iii) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
    - (iv) that is an allurements to children who may play there to their danger,
    - (v) that constitutes a hazard to the health or safety of the public,
    - (vi) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained, or
    - (vii) that is a fire hazard to itself or to surrounding lands or buildings.
  - (e) “Habitable” means a building which is in conformance with the Nova Scotia Fire Safety Act and Regulations, and in the case of a residential building, is also in compliance with Bylaw M100.

- (f) “Municipality” means the Halifax Regional Municipality.
- (g) “Owner” means the owner of the property as they appear on the assessment role or registry of deeds.
- (h) “Vacant” means a building which is not occupied by a person authorized by the owner of the property.

### **Designation as a Derelict Building**

- 3. When a building is deemed to be derelict, the municipality may direct the owner to remedy the condition as specified in an order.

### **Service of Order**

- 4. The order may be served by being posted in a conspicuous place upon the property or may be served upon the owner.

### **Right of Appeal**

- 5. An owner may appeal the order to the Dangerous or Unsightly Premises Committee of the Municipality within seven days after the order is served by submitting their appeal in writing to the Municipal Clerk’s Office.

### **Performance Standards**

- 6. Upon issuance of an order, an owner must within one hundred and twenty (120) days :
  - (a) bring the building up to a habitable standard; or
  - (b) demolish the building.

### **Standards for Securing and Maintaining a Derelict Building**

- 7. An order may direct the owner to secure the building to meet the following minimum standards:
  - a) panel type material not less than 3/4" must be used to secure all openings within 10' of the adjacent grade;
  - b) panels used to secure openings must be secured with not less than 2" #8 screws spaced a minimum of 16" on centre around the perimeter of the panel;
  - c) panels used to secure openings must be tightly fitted and painted or otherwise "treated" so as to prevent deterioration;
  - d) the remainder of the building and property must be maintained so as not to be “dangerous or unsightly” pursuant to section 344 of the *Municipal Government Act*.

### **Failure to Secure a Derelict Building**

8. Where an owner fails to secure and maintain the building in compliance with this by-law, the Municipality may enter upon the property and carry out the work necessary to ensure compliance with this by-law.
9. Where the Municipality carries out the work required to secure and maintain the building in compliance with this by-law, the Municipality may charge and collect the costs thereof as a first lien on the property affected.

### **Right of Access**

10. In order to determine compliance with this by-law:
  - a) a municipal administrator may enter in or upon land or premises at a reasonable time without a warrant;
  - b) except in an emergency, a municipal administrator shall not enter a 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 is given to the occupier at least twenty-four hours in advance; and
  - c) where a person refuses to allow a municipal administrator to exercise, or attempts to interfere or interferes with the municipal administrator in the exercise of a power granted pursuant to this By-law, the municipal administrator may apply to a judge of the Supreme Court of Nova Scotia for an order,
    - (i) to allow the municipal administrator entry to the building, and
    - (ii) restraining a person from further interference.

### **Exemptions**

11. Buildings actively used for seasonal purposes shall not be subject to the provisions of this by-law including:
  - (a) cottages and other recreational dwelling units and their accessory buildings,
  - (b) other temporary recreational facilities,
  - (c) agricultural or other resource facilities.

### **Compliance with Other Laws**

12. Nothing contained in this by-law relieves an owner from their obligation to comply with

any other Act, Regulation, or by-law.

**Penalties**

13. (1) Every person who contravenes any of the provisions of this By-Law, or who fails to comply with the terms or conditions of any permit issued under the authority of this By-Law is guilty of an offence and shall be liable, upon conviction, to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00).
- (2) In default of the remedying of the contravention described in the Order within the one hundred and twenty (120) day time period, every day during which the violation continues, after expiration of the one hundred and twenty (120) day time period, is deemed to be a fresh offence.
- (3) In the case of a violation of this By-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Council may direct the Clerk to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice for an injunction ordering the person violating to cease the violation and the Judge may make any order that in the Judge's opinion the justice of the case requires.

Done passed on this 12<sup>th</sup> day of June, 2007

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Mayor

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Jan Gibson, Municipal Clerk

I, Jan Gibson, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional held on June 12, 2007.

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Jan Gibson, Municipal Clerk

Notice of Motion:	May 1, 2007
First Reading:	May 8, 2007
Notice of Public Hearing Publication:	May 26, 2007
Second Reading:	June 12, 2007
Approval of Minister of Housing and Municipal Relations:	N/A
Effective Date:	June 23, 2007