

Subject Area:	BYLAW	Policy #	3.15.01
Policy Title: Property Maintenance Bylaw: Unsightly Properties Enforcement Policy			
Authority:	Legislative (Council)	<input checked="" type="checkbox"/>	Effective date: 2007-05-28
	Administrative	<input type="checkbox"/>	Date for review: 2010-05-01
Issued by:	Dan Scoones	Manager Bylaw Services	Issue date: 2007-07-12

Policy Statement:

The Bylaw Services Division will enforce the Property Maintenance Bylaw with respect to unsightly properties in response to complaints by persons residing in the immediate area or by persons who are otherwise substantively affected by the unsightly conditions. In the case of unsightly or unsanitary conditions which by their nature or seriousness create a duty of care, or of graffiti on or adjacent to a public place, the bylaw may be enforced proactively, without a specific complaint.

Policy Procedure:

The Bylaw Enforcement Officer will inspect the premises in order to determine whether a property is unsightly in accordance with the bylaw and, if so, whether the complainant is substantively affected by the unsightly conditions.

In making a determination of unsightliness at a particular property the Bylaw Enforcement Officer may take the following factors into consideration:

- The general community standards regarding property maintenance.
- The corresponding conditions on adjacent properties and the subject property's relative standing in the immediate neighbourhood.
- The presence on the subject property of accumulated rubbish, filth or discarded materials.
- Aspects of the buildings or grounds that are unclean, deformed or dilapidated.

- The record of prior investigations and enforcement actions regarding unsightliness at the subject property.

In considering the condition of buildings and other amenities, the Bylaw Enforcement Officer shall not make a finding of unsightliness simply on the grounds that the condition of the subject property is below the average standard for the neighbourhood. In order to be deemed unsightly a property must be below the minimum standard for the neighbourhood.

In making a determination of substantive effect on the complainant the Bylaw Enforcement Officer may take the following factors into consideration:

- The proximity of the subject property to the complainant's place of residence, employment or other business, and routes of travel.
- The visibility of the subject property from the complainant's place of residence, employment or other business, and routes of travel.
- The impact that the unsightly conditions would have upon a reasonable person in the neighbourhood or vicinity of the subject property.

If the property is determined not to be unsightly, the Bylaw Enforcement Officer may terminate the file and, if applicable, notify the complainant of this determination.

If the property is determined to be unsightly, the Bylaw Enforcement Officer may at his/her discretion take the intermediate step of issuing a warning, either verbal or written, about the contravention including a request to remedy the unsightly conditions by a specified date. In establishing a compliance date the Bylaw Enforcement Officer has discretion to balance the specific conditions, their impact on the neighbourhood, and the personal circumstances of the owner or occupier of the subject property.

If a verbal or written warning is issued but does not produce compliance, or if the Bylaw Enforcement Officer decides not to issue a verbal or written warning, the owner or occupier shall be given written notice of the contravention with delivery by hand or by express mail. The notice shall include:

- The civic address of the subject property
- The particulars of the unsightliness or non-compliance to be remedied
- A date by which the property must be brought into compliance with the bylaw
- A statement that on default the City will enter the property and do the work itself with the costs to be billed to the owner and recovered through a transfer to the property tax roll if unpaid at the end of the current year.

In establishing a date by which the property must be in compliance with the bylaw, the Bylaw Enforcement Officer shall consider the following factors:

- The existence of life or health safety hazards and any risk of illness or injury arising from the conditions at the subject property.
- The seriousness of the nuisance created by conditions on the property and the effect on the neighbourhood.

- The nature and scope of the remedial work required and the amount of steady effort required for its completion.
- Any record of prior investigations and enforcement actions regarding unsightliness at the subject property.

In addition the Bylaw Enforcement Officer may take the personal circumstances of the property owner or occupier into consideration when establishing a compliance date.

For the purpose of orderly administration of the bylaw the following notice periods are considered standard:

- General unsightliness not involving materials 14 days
- Unightly accumulated materials, first offence 14 days
- Unightly accumulated materials, second offence 7 days
- Unightly accumulated materials, subsequent offences 24 hours
- Graffiti adjacent to a public place 72 hours
- Accumulated noxious materials 24 hours

The Bylaw Enforcement Officer shall inspect the property on the compliance date specified in the notice or as soon as convenient thereafter. If the Bylaw Enforcement Officer determines that the property has been brought into compliance with the bylaw, the file may be closed. If the Bylaw Enforcement Officer determines that the property has not been brought into compliance with the bylaw, the Bylaw Enforcement Officer shall authorize the Operations Department to enter the premises and carry out the required remedial works. All costs related to these remedial works shall be borne by the property owner.

In addition to the direct actions described herein, the Bylaw Enforcement Officer may issue a fine to the property owner or occupier by way of Municipal Ticket Information where to do so would contribute to general or specific deterrence; for example, in the case of a repeat offence at the same property.

Material or goods impounded from private property shall be processed in the following manner:

- Material, which may be defined as rubbish, filth, discarded materials, vegetation, and other material of no market value may be disposed of at the City's discretion.
- The City shall impound chattels or materials that appear to have market value, including but not limited to building materials, motor vehicles or motor vehicle parts. The owner of the property shall be notified by registered mail that the material must be claimed and recovered within ninety (90) days of the date of the letter. If the material is not claimed and recovered following ninety (90) days of the notification, the City may dispose of the material at its discretion.

END OF POLICY

Record of Amendments:

Policy	Issue date	Reviewed	Replaced	Re-issue Date
3.15	2000 07 25	2007 05 28	3.15.01	2007 07 12