



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: UNSIGHTLY PROPERTY BYLAW

BYLAW #: CS-11

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

1.1. This bylaw shall be known and cited as the “The Unsightly Property Bylaw.”

2. Authority

2.1. Section 180 of the *Municipal Government Act*, RSPEI 1988, c M-12.1 authorizes council to enact bylaws for municipal purposes respecting dangerous or unsightly properties in the City of Summerside.

3. Application

3.1. This bylaw applies to all persons, properties, and premises in the City of Summerside.

4. Definitions

4.1. Except as provided in section 4.2 herein, the words in this bylaw shall have the same meaning as the words defined in the *Unsightly Property Act*, RSPEI 1988, c U-5, and amendments thereto.

4.2. In this bylaw:

- (a) “dilapidated building or structure” includes a building or structure, with or without structural deficiencies, that by virtue of a broken window, torn roofing or other defects is in a condition of substantial disrepair;
- (b) “City” means the City of Summerside;
- (c) “Council” means the Mayor and other members of the Council of the municipality;
- (d) “inspector” includes an Enforcement Officer, the Director of Fire Services, Director of Police Services, Building Officer, Director of Municipal Services, or their designates, who is to carry out the duties assigned by Chief Administrative Officer;
- (e) “litter” means
 - (i) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof;
 - (ii) any article, product, machinery, mobile home or other manufactures goods which are dumped, discarded, abandoned or otherwise disposed of;

- (iii) any other thing that may be designated as litter in a Schedule to this bylaw;
- (f) "order" means a clean-up order or a demolition order issued under this bylaw;
- (g) "owner" includes the registered owner, occupier, or person in charge of the lands and premises;
- (h) "person" includes any individual, association, corporation, contractor, commission, public utility, firm, partnership or organization of any kind, and includes both principal and agent in an agency situation;
- (i) "unsightly building or structure" includes a building or structure
 - (i) that is a dilapidated building or structure;
 - (ii) the condition of which significantly depreciates the value of land or buildings in the vicinity, or
 - (iii) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained;
- (j) "unsightly property" means any real property of part thereof upon which there is litter, derelict motor vehicles or parts thereof, or dilapidated or unsightly buildings, structures or parts thereof, or grass exceeding the length prescribed by subsection 5.2 of this bylaw.

5. Property Standards

- 5.1. No owner or occupier of any property shall permit the property or any building or structure thereon to be or become an unsightly property.
- 5.2. Grass on any property, except for that property or any part thereof being used for agricultural purposes, natural parklands, trails, or ditches, shall be maintained at a height of 20 centimeters or less.
- 5.3. All property shall be kept clean and free of:
 - (a) objects or conditions that may create fire, health or accident hazards;
 - (b) any derelict motor vehicle;
 - (c) litter; or
 - (d) heavy undergrowth, except for any land being used for agricultural purposes.

6. Administration

- 6.1. This Bylaw shall be administered and enforced by inspectors.
- 6.2. Where an inspector determines any real property is unsightly property, the inspector may issue an order.
- 6.3. An inspector is authorized to
 - (a) inspect any building or premises in the City for the purpose of enforcing this bylaw;
 - (b) remedy anything the inspector determines is in contravention of this bylaw;
 - (c) enforce any provision of this bylaw;

- (d) require that anything be produced to assist in the inspection, remedy, enforcement or action;
- (e) make copies of anything related to the inspection, remedy, enforcement or action; and
- (f) do any other thing for the administration and enforcement of this bylaw which Council, by resolution, authorizes.

6.4. An inspector acting under this bylaw shall display or produce, on request, identification and documentation showing that the person is authorized to carry out duties specified under this bylaw.

6.5. Except in the case of an emergency or other extraordinary circumstances, where an inspector intends to take any action authorized by section 6.3 above, they shall give not less than 24 hours' notice to the owner or occupier of the land or premises.

6.6. An inspector acting under this bylaw shall not enter a dwelling without a warrant issued under the *Summary Proceedings Act* or an order issued under section 237 of the *Municipal Government Act* unless the occupant consents to the entry.

6.7. An order shall be in the form included at Schedule "B" of this bylaw.

7. Orders

7.1. Subject to subsection 7.2, an order shall be issued to

- (a) the registered owner of the property;
- (b) the occupier of the property; or
- (c) a person who caused or contributed to the unsightly condition of the property.

7.2. Where the inspector is satisfied that a person other than the owner or the occupier of the property caused or contributed to the unsightly condition of the property, and the owner and the occupier, if any, agree to permit that other person to come onto the property for the purpose of complying with an order, an order may be issued to that other person.

7.3. The order may require the person to whom it is addressed, within a period of time specified in the order to

- (a) remedy the condition of the property in a manner and to the extent directed in the order;
- (b) if authorized by a resolution of Council, remove or demolish any dilapidated buildings, structures or parts thereof;
- (c) remove any litter causing or contributing to the unsightliness of the property;
- (d) construct anything to prevent the property from being viewed;
- (e) do any other thing to remedy the unsightliness of the property; or
- (f) do all or any of the matters specified in clauses (a) to (e).

7.4. The order shall

- (a) be in the form provided in Schedule "B" of this bylaw;

- (b) state in which respect(s) the property does not meet the requirements of this bylaw and what must be done to the property to bring it into compliance with the requirements of this bylaw;
- (c) state the date which the property shall be brought into compliance with the requirements of this bylaw, which date is not to exceed thirty (30) days from the date the order is deemed to be served pursuant to subsection 7.6;
- (d) state that if the person does not comply with the order within the prescribed time frame, the City shall take the action or measure at the expense of the person.

7.5. The order shall be served on the person notified

- (a) by personal delivery thereof to that person;
- (b) by posting the order by registered mail with postage prepaid addressed to that person at the person's latest known address; or
- (c) where the address of that person is unknown, by posting the order in a conspicuous place on the property.

7.6. The date of the service of the order shall be

- (a) on the date of delivery where personal service is made;
- (b) on the date stated on the written acknowledgment of receipt where service by mail is made; or
- (c) on the date of the posting where posting is made on the property.

7.7. Proof of service of the order may be made by a certificate signed by the person serving the order setting forth the manner in which service was made and specifying the time of service.

7.8. A certificate made under subsection 7.7

- (a) shall be in the form provided at Schedule "C" of this bylaw;
- (b) is proof of the signature of the person certifying; and
- (c) is proof that the person named in the order received notice of the matters referred to in the order.

7.9. An order continues in force for a period of twelve months from the date on which it is served on the person to whom it is addressed and, if that person permits the property that is the subject of the order to revert to being an unsightly property while the order is in force, the person shall be deemed to have failed to comply with the order and it may be enforced against the person accordingly, but without prejudice to the issue of a new order in respect of that property.

7.10. An inspector may extend the time for compliance with any order issued pursuant to this part, provided there is evidence of intent to comply with any such order and reasonable cause exists to prevent immediate compliance.

7.11. Any extension of the time for compliance under subsection 7.10 will not extend the time for filing an appeal under section 8.

8. Appeals

- 8.1.** A person to whom an order is issued may, within fourteen (14) days from the date of service, appeal the order by filing a notice of appeal with the Chief Administrative Officer.
- 8.2.** The notice of appeal filed under this section shall be in writing, on a form attached hereto as Schedule "A", and shall state the grounds for the appeal, the relief sought and the name and address of the person making the appeal.
- 8.3.** The Chief Administrative Officer shall forthwith deliver the notice of appeal and any supporting documentation to the Council and the inspector who issued the order.
- 8.4.** Upon Council's receipt of the notice of appeal, Council shall:
 - (a) determine a date, place and time for a hearing of the matter, which hearing shall take place not less than seven (7) days, and not more than thirty (30) days from the date of Council's receipt of the notice of appeal;
 - (b) advise the owner in writing of the date, place and time of the hearing; and
 - (c) provide the owner with a copy of any materials relied upon by the inspector to justify the issuance of the order.
- 8.5.** Council shall preside at the hearing and has the right to decide any matter of procedure not otherwise provided in this bylaw.
- 8.6.** The owner shall be permitted to make submissions, adduce evidence, and question the inspector at the hearing.
- 8.7.** After the hearing, the Council may, by resolution,
 - (a) confirm the order;
 - (b) vary the terms of the order;
 - (c) substitute its own order for the order reviewed; or
 - (d) rescind the order.
- 8.8.** Council shall include in the recitals of the resolution referred to in subsection 8.7 brief written reasons for its decision.
- 8.9.** Council shall provide a certified copy of the resolution to the person making the appeal.
- 8.10.** Council's decision in the matter is final and there shall be no further right to appeal an order issued under this bylaw.

9. Failure to Comply with Order

- 9.1.** Where a person on whom an order has been served fails to comply with the order or an order of the Council made under section 8, the inspector may carry out the directives contained in the order and charge the costs of the work done to the person to whom the order was issued and the person so charged is personally liable therefore; neither the City, the Council nor the inspector is personally liable for any action taken under this section, nor for the costs of any goods, materials or labour incurred in exercising powers vested in the inspector under this section.

10. Order for Costs of Remediation

- 10.1.** The Council hereby authorizes an inspector to issue an order for the costs of carrying out the work done under section 9 against the person to whom the order was issued and the order for costs shall be served in the manner provided in section 7.
- 10.2.** The cost incurred by the City to remedy a contravention of an order shall include an additional administrative fee of 25% of the costs incurred to a maximum fee of \$750.
- 10.3.** An order for the costs of remediation made under subsection 10.1 may be filed with the Registrar of the Supreme Court at any time following thirty days after it is issued and, when so filed, the order is of the same force and effect as if it were a judgment.
- 10.4.** An order for the costs of remediation made under subsection 10.1 shall also constitute a lien on the property which shall have priority over every claim, privilege, or encumbrance of any person except the Crown.

11. Offences and Penalties

- 11.1.** Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from carrying out their duties under this bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000.
- 11.2.** Every person who fails to comply with an order issued under this bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000,
- 11.3.** Where a contravention of this bylaw continues for more than one day, the person responsible for the contravention is guilty of a separate offence for each day or part of a day on which the contravention occurs and shall be liable to a fine of \$1,000 for each day or part day on which the contravention occurs after the first day.
- 11.4.** The court may, in addition to any other penalty imposed, order the person to comply with this bylaw.

12. Limitation of Liability

- 12.1.** The City, Council, inspectors, and persons acting under their instructions, or under the authority of this bylaw are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given by this bylaw.

13. Enforcement

- 13.1.** In addition to any matter authorized in this bylaw, this bylaw may be enforced, and any breach thereof may be restrained by application by the Council to the Supreme Court of Prince Edward Island in accordance with the *Municipal Government Act* or any successor legislation.

14. Severability / Conflicts

- 14.1.** It is the intention of Council that each separate provision of this bylaw shall be deemed independent from all other provisions of this bylaw, such that if any provision of this bylaw is declared invalid, all other provisions of this bylaw shall remain valid and enforceable.
- 14.2.** In the event of a conflict between this bylaw and the provision of any other enactment, the most stringent requirement shall apply.

15. Evidence

- 15.1.** A copy of any writing, paper or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provision of the *Real Property Assessment Act*, RSPEI 1988, c R-4, shall be received in evidence in Court without proof of signature and is *prima facie* evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address.

16. Repeal of bylaw

- 16.1.** Bylaw Number CS-11 Dangerous, Hazardous and Unsightly Premises Bylaw is hereby repealed.

17. Effective Date

- 17.1.** This Unsightly Property Bylaw, Bylaw Number CS-11, shall be effective on the date of approval and adoption by Council.

First Reading

This Unsightly Property Bylaw, Bylaw #CS-11, was read a first time at the Council meeting held on the 16th day of May, 2022.

This Unsightly Property Bylaw, Bylaw #CS-11, was approved by a majority of Council members present at the Council meeting held on the 16th day of May, 2022.

Second Reading

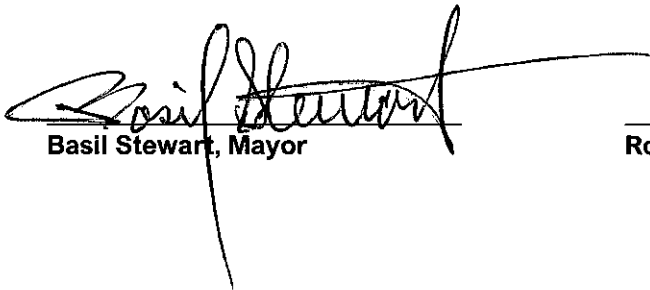
This Unsightly Property Bylaw, Bylaw #CS-11, was read a second time at the Council meeting held on the 20th day of June, 2022.

This Unsightly Property Bylaw, Bylaw #CS-11, was approved by a majority of Council members present at the Council meeting held on the 20th day of June, 2022.

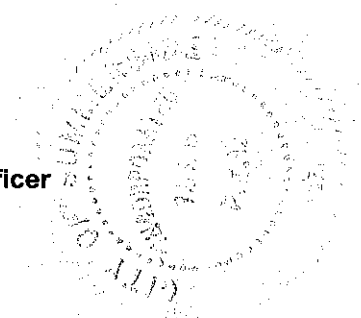
Approval and Adoption by Council

This Unsightly Property Bylaw, Bylaw #CS-11, was adopted by a majority of Council members present at the Council meeting held on the 20th day of June, 2022.

Signatures


Basil Stewart, Mayor


Rob Philpott, Chief Administrative Officer



This Unsightly Property Bylaw adopted by the Council of the City of Summerside on the 20th day of June, 2022 is certified to be a true copy.


Rob Philpott, Chief Administrative Officer

June 23rd, 2022
Date



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: Schedule "A"
BYLAW NAME: Unsightly Property Bylaw
BYLAW #: # CS-11

This Schedule establishes the form to be used for filing an appeal pursuant to Section 8 of the Unsightly Property Bylaw.



CORPORATION OF THE CITY OF SUMMERSIDE
NOTICE OF APPEAL
 (pursuant to Section 8 of the *Unsightly Property Bylaw*)

CONTACT INFORMATION	
Last Name:	First Name:
Company Name (if applicable):	
Email Address:	
Telephone Number:	
Mailing Address:	

APPEAL INFORMATION
List the reasons for your appeal (if more space is provided, kindly fill out a separate sheet and attach it to this form. If you intend to rely on any documents, including photographs, videos, or witness statements, kindly attach them to this form as well):

RELIEF SOUGHT
List or describe the relief sought (if more space is required, kindly fill out a separate sheet and attach it to this form):

DECLARATION	
I solemnly declare that all the statements and the information provided, are true, correct and complete. By signing this form, I consent to the collection of my personal information:	
Signature of Appellant:	Date:
In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> , some of the information collected herein may be available to the public.	



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: Schedule "B"
BYLAW NAME: Unsightly Property Bylaw
BYLAW #: # CS-11

This Schedule establishes the form to be used for an order issued pursuant to the Unsightly Property Bylaw.



CORPORATION OF THE CITY OF SUMMERSIDE

ORDER

(Issued pursuant to the *Unsightly Property Bylaw*)

TO: _____

of _____.

WHEREAS an inspection of real property designated as Parcel No. _____ located at _____, in Summerside, Prince Edward Island, has been made by an inspector having authority under Bylaw # CS-11 the *Unsightly Property Bylaw*,

AND WHEREAS the said inspector considers the property to be unsightly in the following respect:

THEREFORE, YOU ARE HEREBY ORDERED TO: _____

YOU ARE REQUIRED TO COMPLY with this Order within _____ days of the date of service of this Order.

IF YOU FAIL TO COMPLY WITH THIS ORDER within the time frame provided above, the City shall take the action or measure required to bring the property into compliance, and any costs of expenses incurred shall be a debt owing by you to the City and a lien against the property.

Dated this _____ day of _____, 20____

INSPECTOR

THIS ORDER MAY BE APPEALED TO COUNCIL PURSUANT TO SECTION 8 OF THE *UNSIGHTLY PROPERTY BYLAW* BY FILING A NOTICE OF APPEAL WITH THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF SUMMERSIDE WITHIN FOURTEEN (14) DAYS OF THE DATE OF THE SERVICE OF THIS ORDER.



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: Schedule "C"
BYLAW NAME: Unsightly Property Bylaw
BYLAW #: # CS-11

This Schedule establishes the form to be used for the certificate referenced in Section 7 of the Unsightly Property Bylaw.



CORPORATION OF THE CITY OF SUMMERSIDE

CERTIFICATE OF SERVICE

(pursuant to subsection 7.7 of the Unsightly Property Bylaw)

I, _____, of _____, Prince Edward Island, declare that I did serve an Order issued pursuant to the *Unsightly Property Bylaw*, a true copy of which is annexed hereto in the manner indicated below:

- () By personal delivery to the person to whom it is directed,
- () By posting the Order by Registered Mail with postage prepaid addressed to the latest known address of the person to whom it is addressed, or
- () By posting the Order in a conspicuous place on the property that is the subject of the Order,

on _____, the _____ day of _____, 20____, at the hour of _____ in the _____ noon at Summerside, in Prince County, Province of Prince Edward Island.

DATED this _____ day of _____, 20_____.
