



Communities,  
Land and  
Environment

Communautés,  
Terres et  
Environnement



Municipal Affairs and  
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Brenda MacDonald  
CAO, Resort Municipality  
7591 Cawnpore Lane, R.R. # 2  
Hunter River, PE C0A 1N0

April 7, 2017

Dear Ms. MacDonald,

**Re: Resort Municipality – Dangerous and Unsightly Premises Bylaw**

**(Bylaw # 2017-M2, adopted February 27, 2017)**

I wish to acknowledge receipt of the following bylaw:

- Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico – Dangerous and Unsightly Premises Bylaw (Bylaw # 2017-M2, adopted February 27, 2017)

A copy of the above noted bylaw has been filed in accordance with the *Municipalities Act*, s. 60 (c). Enclosed is a dated and signed copy of the bylaw and resolution sheet for your files.

Please be advised that it is the responsibility of the municipality passing a bylaw to both ensure that the subject area covered by the bylaw is within the jurisdiction of the municipality and that the procedures for the passage of a bylaw under the *Municipalities Act* have been complied with.

Please feel free to contact me should you have any questions regarding this matter.

Regards,

Pooja Kumar  
Senior Municipal Affairs Officer

Encl.

**First Reading:**

This Bylaw was read a first time at the Council meeting held on the 16th day of January, 2017.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 16th day of January, 2017.

**Second Reading:**

This Bylaw was read a second time at the Council meeting held on the 27th day of February, 2017.

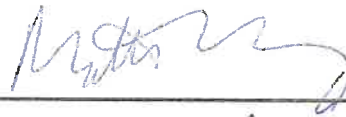
This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 27th day of February, 2017.

**Adoption and Approval by Council:**

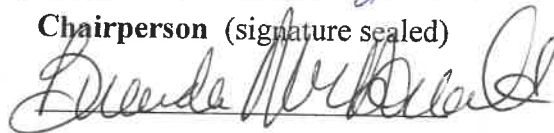
This Bylaw was adopted by a resolution of Council at the Council meeting held on the 27th day of February, 2017.

The Council Dangerous and Unsightly Premises Bylaw is declared to be passed on the 27th day of February, 2017.

WITNESS the corporate seal of the Resort Municipality.



Chairperson (signature sealed)



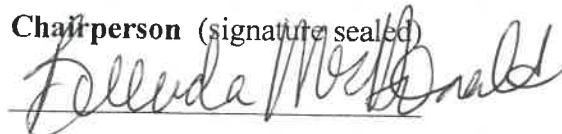
CAO (signature sealed)

BE IT RESOLVED THAT: Bylaw No. 2017-M2, being a bylaw related to the dangerous and unsightly premises, is hereby enacted as a bylaw of the Resort Municipality and the Chairperson and Administrator be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 27th day of February, 2017.



Chairperson (signature sealed)



CAO (signature sealed)

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW,  
CAVENDISH AND NORTH RUSTICO

**DANGEROUS AND UNSIGHTLY PREMISES BYLAW**

**BYLAW No. 2017- M2**

A Bylaw relating to dangerous and unsightly properties within the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

This Bylaw is made under the authority of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

**1. Title**

This Bylaw may be cited and referred to as the "Resort Municipality Dangerous and Unsightly Premises Bylaw".

**2. Scope**

This Bylaw shall apply to all Property in the Resort Municipality.

**3. Definitions**

In this Bylaw:

- (a) "Administrator" means the person appointed to that position by Council pursuant to the Act;
- (b) "Agricultural Purposes" means the use of any land by a Bona Fide Farmer for the purpose of soil conservation, crop production or raising of livestock;
- (c) "Assessment Roll" means the assessment roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1998, as amended from time to time, or any successor act;
- (d) "Building" includes any structure used or intended for the shelter, housing or enclosure of any person, animal or chattel;
- (e) "Bona Fide Farmer" means a *bona fide* farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988 Cap. R-4, as amended from time to time, or any successor act;
- (f) "Council" means the Council of the Resort Municipality;
- (g) "Dangerous Building" includes:

Filed on behalf of the Minister of Communities, Land  
and Environment in accordance with s: 60(c) of the  
**Municipalities Act.**

  
Signed

07/04/2017  
Dated

- (i) a Building where the walls or other vertical structural members list, lean or buckle to such an extent that it presents a danger to the occupants or other persons or property;
  - (ii) a Building which shows clear damage or deterioration of the foundation supporting member or members;
  - (iii) a Building which has improperly distributed loads upon the floor or roofs or structural supporting members or in which the same are overloaded, or which has insufficient strength to be reasonably safe for the intended use or occupation.
- (h) "Derelict Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5 that:
- (i) does not display on the windshield affixed to the motor vehicle, a valid unexpired motor vehicle inspection approval sticker issued under the *Highway Traffic Act*, and
  - (ii) is either:
    - (A) inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation; or
    - (B) in a state of disrepair or is unsightly by reason of missing doors, glass or body parts;
- but does not include an antique motor vehicle, as defined in the *Unightly Property Act*, R.S.P.E.I., 1988, Cap. U-5 and does not include an implement of husbandry as defined in the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5;
- (i) "Dilapidated Building" includes a Building which is structurally sound but by virtue of broken windows, torn roofing or other defects is in a condition of substantial disrepair;
  - (j) "Implement of husbandry" means every vehicle that is designed for agricultural purposes and that is used exclusively in the conduct of agricultural operations and includes a farm tractor;
  - (k) "Inspector" means the person who is designated to carry out the duties assigned by Council pursuant to this Bylaw;
  - (l) "Litter" means rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof and any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of;

- (m) "Municipalities Act" means the *Municipalities Act*, R.S.P.E.I. 1988, Cap M-13, as amended from time to time, or any successor act;
- (n) "Notice" means a notice issued by Council pursuant to this Bylaw;
- (o) "Owner" means a person or corporation listed as the property owner in the Assessment Roll and includes a part owner, joint tenant, tenant-in-common, executor, administrator, trustee, agent or other person managing a Property for the registered property owner, but does not include a lessee;
- (p) "Property" means a parcel of land and includes all or any part of trees, Buildings, structures, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments;
- (q) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico;
- (r) "Unsightly Property" means any Property or part thereof upon which there is visual evidence of a lack of general maintenance and upkeep due to the presence of:
  - (i) Litter;
  - (ii) Derelict Motor Vehicle(s); and/or
  - (iii) Dilapidated Buildings(s).
- (s) "Vacant Building" means any Building which is unoccupied for a consecutive period of 12 months.

#### **4. Administration**

- 4.1 Council may appoint one or more Inspectors to administer this Bylaw.
- 4.2 Inspectors shall report to the Administrator.

#### **5. Property Standards**

- 5.1 No Owner of any Property shall permit the Property to be or become an Unsightly Property.
- 5.2 No Owner of any Property shall permit any Building on a Property to be, or to become a Dangerous Building.
- 5.3 No Owner of any Property shall permit grass within 8 meters (26.25 feet) of a public road or within 8 meters (26.25 feet) of a building occupied by one or more persons to exceed a height of 200 mm (8 inches) unless the Property is being used for Agricultural Purposes.
- 5.4 No Derelict Motor Vehicle shall be parked, stored or left on any Property.

5.5 All Property shall be kept clean and free of:

- (a) objects or conditions that may create fire, health, dangerous, or accident hazards; and
- (b) Litter.

5.6 All doors, windows and other openings on Vacant Buildings shall be secured and locked to prevent unauthorized entry.

5.7 In the event Property damage or unauthorized entry occurs after the measures in section 5.6 above have been implemented, Council may issue a Notice to the Owner requiring the doors and windows or other openings to be covered with a solid wooden material or to secure the land upon which the Vacant Building is located with a fence of at least 1.5 meters (4.92 feet) in height.

5.8 Where wooden material is used to secure a Vacant Building it shall be painted to match the trim colour or exterior wall colour of the Vacant Building and all material used to cover the openings must properly fit inside the outer window, door trim or other opening.

5.9 Where a Property or Building has been secured pursuant to section 5.7 for more than eighteen (18) months, Council may order the Building to be repaired or demolished in accordance with Part 6 of this Bylaw.

## **6. Standard for Repair, Vacation or Demolition**

6.1 The following standards shall be applied by Council in ordering repair, vacation, or demolition of Property:

- (a) any Property that is in a condition that makes it dangerous to the health, safety or general welfare of its occupants, or has a Dangerous Building, shall be ordered vacated;
- (b) any Property that can reasonably be brought into compliance with the requirements of this Bylaw shall be ordered repaired;
- (c) any Property that cannot reasonably be repaired or that has been ordered repaired but repairs have not been completed by the deadline set out in the Notice made pursuant to subsection 7.3(c) below, or before the expiration of any extension period granted pursuant to section 7.7 below, shall be ordered demolished.

6.2 In addition to any Notice which may be issued pursuant to Part 7, the Inspector shall place the following "Dangerous Building Notice" on any Building that Council has determined is a Dangerous Building:

"This Building has been found to be a Dangerous Building pursuant to the Resort Municipality Dangerous and Unsightly Premises Bylaw. Pursuant to the Bylaw, this Notice is to remain on this Building until it is vacated, repaired, or demolished in accordance with the Notice which has

been given to the Owner of this Building. It is unlawful to remove this Notice until such Notice is complied with."

6.3 No person shall remove any Notice placed in accordance with section 6.2, above, unless authorized by Council.

## **7. Enforcement Standards**

7.1 Where, in the Inspector's opinion, a property fails to comply with any of the provisions of this Bylaw, the Inspector will issue a report to Council stating how the Property is in violation.

7.2 Where, in the opinion of the Council, any Property does not meet the requirements of this Bylaw, the Council shall issue a Notice pursuant to section 7.3.

7.3 Notice shall be issued to the Owner and shall:

- (a) be in writing;
- (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; and
- (c) state the date before which the Property shall be brought in to compliance with the requirements of this Bylaw, which date is not to exceed ninety (90) days from the date Notice is deemed to be served pursuant to section 7.5.

7.4 The Notice shall be served:

- (a) by personal service of the Notice to the Owner;
- (b) by depositing the Notice in the mail by registered letter to the address of the Owner as listed on the Assessment Roll; or
- (c) where the Owner's address is unknown, by posting the Notice in a conspicuous place on the Property.

7.5 The date of service of the Notice is deemed to be:

- (a) in subsection 7.4(a), the date of delivery of the Notice to the Owner;
- (b) in subsection 7.4(b), the date stated on an acknowledgment card received from Canada Post for a registered letter which indicates the date the card is receipted;
- (c) in subsection 7.4(c), the date the Notice is posted on the Property.

7.6 Proof of personal service of the Notice under subsection 7.4(a), or proof of the posting of the Notice under subsection 7.4(c), may be made by an affidavit of the person serving or posting the Notice, which affidavit shall set forth the manner in which service was made and the time and date of service.

7.7 The Council may extend the time for compliance with any Notice issued pursuant to this Part 7 provided there is evidence of intent to comply with any such Notice and reasonable cause exists to prevent immediate compliance.

## **8. Hearing**

8.1 Where an Owner, upon whom a Notice has been served in accordance with this Bylaw, is not satisfied with the terms or conditions of the Notice, he or she may notify the Council in writing within fourteen (14) days after the Notice is served that he or she disagrees with the Notice and requires a hearing of the matter, and, on the Owner's written notification, the Owner shall state the basis for his or her disagreement with the Notice.

8.2 Upon Council's receipt of the Owner's written notification, Council shall:

- (a) determine a date, place and time for the hearing which 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 Owner's written notification;
- (b) advise the Owner in writing of the date, place and time of the hearing; and
- (c) provide the Owner with a copy of the Inspector's report referred to in section 7.1.

8.3 The Owner shall be permitted to make submissions, adduce evidence and question the Inspector at the hearing.

8.4 The Council shall confirm, alter or withdraw the Notice and shall advise the Owner, in writing, of Council's decision within ten (10) days of the hearing.

## **9. Offences and Liability**

9.1 Any Owner who fails to comply with this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$150.00 and not more than \$1,500.00 and, on default of payment, is liable to imprisonment for a term not exceeding 60 days.

9.2 Each day of non-compliance with the Notice shall constitute a separate offence.

9.3 The levying and payment of penalties shall not relieve a person from the necessity of paying any charges or costs for which he or she is liable under this Bylaw.

9.4 The Council, the Resort Municipality, the Resort Municipality's employees and any Inspector appointed by the Council pursuant to this Bylaw shall not be personally liable for anything done, or omitted to be done, under this Bylaw and, without limiting the generality of the foregoing, shall not be liable for the cost of goods, materials or labour incurred in exercising the powers in this Bylaw.

## **10. Enforcement**

10.1 Failure to comply with any provision of this Bylaw shall constitute an offence and shall be subject to the penalties set out herein.



10.2 The prosecution of offences under this Bylaw shall be in accordance with the Summary Proceedings Bylaw (Bylaw No. 2017 - M1), as amended from time to time.

10.3 This Bylaw may also be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of the Province of Prince Edward Island in accordance with subsection 58(3) of the Act.

## **11. General**

11.1 If any provision of this Bylaw is held void, then such provision shall be deemed severable and the invalidity thereof shall not affect or invalidate the remaining provisions of this Bylaw.

11.2 In this Bylaw, imperial measures are added for convenience and are not intended to be relied upon as exact equivalents of the metric measurements specified. In the event of any inconsistency, the metric measurement prevails.

## **12. Effective Date**

This Bylaw comes into effect on February 27, 2017.