



Minutes

<u>Meeting</u>	Special Council Meeting
<u>Date</u>	November 16, 2021
<u>Time</u>	1:00 PM
<u>Place</u>	Municipal Hall - Council Chambers and by electronic means

<u>Present</u>	Mayor Martin Davis Councillor Bill Elder Councillor Sarah Fowler Councillor Cheryl Northcott Councillor Lynda Llewellyn	by video by video
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<u>Staff</u>	Mark Tatchell, Chief Administrative Officer Enzo Calla, Bylaw Compliance Officer, Strathcona Regional District Janet St-Denis, Corporate Services Manager	by video
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<u>Public</u>	2 members of the public	by phone/video
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A. Call to Order

Mayor Davis called the meeting to order at 1:02 p.m.

Mayor Davis acknowledged and respected that Council is meeting upon Mowachaht/
Muchalaht territory

B. Introduction of Late Items and Agenda Changes

None.

C. Approval of the Agenda

Elder/Llewellyn: VOT 0411/2021

THAT the Agenda for the November 16, 2021 Special meeting of Council be adopted
as presented.

CARRIED

M. New Business

Report to Council Re: 293 N. Maquinna Drive (Lot 40, Plan VIP 30721, DL 595,
Nootka Land District) - Property Maintenance Regulation Bylaw non-compliance.

Elder/Fowler: VOT 0412/2021

THAT the Report to Council be received.

CARRIED

Elder/Fowler: VOT 0413/2021

THAT Council engage in a discussion and permit the property owner to speak to this
matter.

CARRIED

The property owner, Corrine Dahling received a letter inviting her to be heard at the meeting but she was not in attendance.

The CAO provided council with a chronological summary of the steps taken since the bylaw complaint was received by the Village and responded to questions from members of council.

Fowler/Elder: VOT 0414/2021 THAT

WHEREAS a Notice to Comply made under the Property Maintenance Regulation Bylaw, 2019, No. 614 (the "Bylaw") and dated October 8, 2021 was served on Corinne Dahling ("the Owner") on or about the same date in respect of the non-compliance of Lot 40, Plan VIP 30721, District Lot 595, Nootka Land District, civic address 293 North Maquinna Drive ("the Property") with the Bylaw; and

WHEREAS the Property is an Unsightly Property as defined in the Bylaw and in contravention, of the Bylaw, including section 9 due to the presence of Refuse and other offensive and unwholesome objects, materials or items which have accumulated on or around the Land of the Owner and the Land has become and remains an untidy or Unsightly Property; and

WHEREAS the Property is in contravention of section 11 of the Bylaw by reason of the fact that the Owner has caused or permitted Weeds or other unintended plants to grow or accumulate on the Land, and the Owner has caused or permitted the lawn on the Land to grow to over 25.4 cm in height; and

WHEREAS the Property is in contravention of section 12 of the Bylaw due to the Owner having caused or permitted Derelict Vehicles to be stored or to accumulate on the Land of the Owner; and

WHEREAS the Notice to Comply provided a deadline for compliance of September 30, 2021, but the Village provided the Owner with extensions until October 25, 2021 and

WHEREAS the Owner has failed to comply with the Notice to Comply by the deadline of October 25, 2021 and there have been no improvements to the property to address the non-compliance with the Bylaw as set out in the Notice to Comply; and

WHEREAS Council is authorized under s. 37 of the Bylaw to make an Order to Comply,

THEREFORE, BE IT RESOLVED THAT:

Council makes the following order under s. 37 of the Bylaw:

- 1** The Property Owner must, by no later than December 16, 2021, comply with the Bylaw, including by doing the following:
 - a. Remove all refuse, materials and other items which cause the Land to be an Unsightly property as defined in the Bylaw;
 - b. Mow the lawn to a height of less than 25.4 cm;
 - c. Remove all weeds and other unintended plants from the Land; and
 - d. Remove all derelict vehicles from the Land

- 2 The Property Owner must comply with all other applicable bylaws, statutes, regulations, codes and other laws in undertaking the work required hereunder, including by obtaining all relevant and required work, safety, building and other permits for any construction or cleaning and remediation works;

- 3 If the Property Owner fails to comply with this Order to Comply of Council under section 37 of the Bylaw, the Village, by its employees, contractors or agents, may act in accordance with section 17 of the Community Charter to fulfil the requirements of the Order and to recover the costs of doing so as a debt due to the Village from the Property Owner that is the subject of the Order; and

- 4 If any of the costs of carrying out this Order of Council under section 37 of the Bylaw remain unpaid on December 31st of the year in which the costs were incurred, the costs may be added to the property taxes for the Property and be recovered as taxes in arrears from the Property Owner.

CARRIED

P. Adjournment

Elder/Fowler: VOT 0415/2021

THAT the meeting be adjourned at 1:25 p.m.

CARRIED

Certified Correct this

the 7th day of December, 2021



Chief Administrative Officer

VILLAGE OF TAHSIS

Report to Council

To: Mayor and Council

From: Chief Administrative Officer

Date: October 28, 2021

Re: 293 North Maquinna, Property Maintenance Regulation Bylaw non-compliance

PURPOSE OF REPORT

To provide Council with a chronology of steps taken in response to the bylaw complaint regarding this property and to highlight the specific contraventions.

OPTIONS / ALTERNATIVES

1. Issue the Order to Comply by resolution as drafted by staff;
2. Issue a modified Order to Comply by resolution;
3. Refer the matter back to staff for additional information;
4. Do not issue an Order to Comply;
5. Any other option that Council deems appropriate

CHRONOLOGY AND AGENDA DOCUMENTS:

1. April 12, 2021 – complaint received and forwarded to the Bylaw Enforcement Officer
2. May 2021 – Bylaw Enforcement Officer writes to the Property Owner (copy of the letter is unavailable)
3. August 26, 2021 – copy of letter to Property Owner describing the findings from an August 19, 2021 inspection and directing that the property be brought into compliance by September 30, 2021
4. October 8, 2021 copy of letter to Property Owner noting that an October 4, 2021 inspection found that the property was still in non-compliance and granting the Property Owner until October 25, 2021 to achieve compliance.
5. October 22, 2021 copy of email to Property Owner reminding of the October 25, 2021 deadline.

6. October 23, 2021 copy of email from the Property Owner describing the proposed actions to address the non-compliance.
7. Photographs of the property taken on October 27, 2021
8. October 28, 2021 copy of the letter to the Property Owner offering opportunity to be heard at the November 16, 2021 meeting.
9. Order to Comply by resolution drafted by staff for Council's consideration.

POLICY/LEGISLATIVE REQUIREMENTS:

Property Maintenance Regulation Bylaw No. 614, 2019

FINANCIAL IMPLICATIONS:

If the Property Owner fails to bring the property into compliance, the Village will incur costs in undertaking the work. However, the bylaw authorizes the Village to recover its costs from the Property Owner through the property tax mechanism, if the Property Owner fails to pay the Village's invoice for services.

STRATEGIC PRIORITY:

No

RECOMMENDATION:

Option #1

Respectfully submitted:



Mark Tatchell, CAO

COPY



Village of Tahsis

Corrine Dahling
293 N. Maquinna Drive
PO Box 187
Tahsis, BC, V0P 1X0

REGISTERED MAIL

August 26, 2021

Re: 293 North Maquinna Drive - Tahsis B.C. Unsightly Property Violation, Second Notice

Dear Mrs. Dahling

This is a follow up to letter sent I May, 2021 regarding the unsightly nature of the property located 293 North Maquinna Drive .

Bylaw No.614, 2019 Property Maintenance Regulation Bylaw sets out minimum standard for properties within the Village under section 9 and 12 of this bylaw states.

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

- 9.** *(1) An Owner or Occupier must not cause or permit Refuse or other noxious, offensive, or unwholesome objects, materials or items to collect or accumulate on or around the Land of that Owner or Occupier.*
(2) An Owner or Occupier must not cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.
(3) An Owner or Occupier of Land must not cause or permit to exist on the Land of that Owner or Occupier any unsanitary condition or other condition that is a health, fire, or other hazard.
(4) An Owner or Occupier must cause the Land of that Owner or Occupier to be kept clear from dilapidated, collapsed, or unfinished Buildings.
(5) An Owner or Occupier must not place Graffiti or permit Graffiti to remain on the Land or a Building of that Owner or Occupier so as to be visible from a Public Place or from any Land other than the Land on which the Graffiti has been placed.

DERELICT BOATS AND VEHICLES AND OTHER ITEMS

- 12.** *Subject to subsection (2), an Owner or Occupier must not cause or permit any of the following to be stored or to accumulate on the Land of the Owner or Occupier:*
- (a)** all or any part of a Derelict Boat;*
 - (b)** all or any part of a Derelict Vehicle;*
 - (c)** Refuse.*



Village of Tahsis

Please see the definitions below outlining the derelict boat and vehicle as set out in the bylaw.

"Derelict Boat" means a vessel for travel on or over water, propelled by oars, sails, or an engine, which meets any one or more of the following criteria:

- (a)** fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b)** not capable of being used or operated for its intended purpose;
- (c)** not undergoing repairs or maintenance;

"Derelict Vehicle" means a Vehicle or trailer which meets any one or more of the following criteria:

- (a)** fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b)** not capable of being used or operated for its intended purpose;
- (c)** not displaying a current and valid licence plate in accordance with the Motor Vehicle Act or any other applicable enactment;

A visual inspection of the above noted property was conducted of the above noted property on August 19, 2021. At that time, it was noted that the property was in violation of Village of Tahsis Property Maintenance Bylaw 614, 2019.

The Village of Tahsis is requesting voluntary compliance with the above noted property by Thursday September 30, 2021. If voluntary compliance cannot be achieved by this date this matter will be brought to the Village of Tahsis Municipal Council requesting an order to remediate the noted property with municipal staff or a hired contractor, with all costs involved in the remediation invoiced to the owner. Failure to pay invoice by December 31, 2021 will be added to property taxes.

Should you wish to discuss this matter further, please do not hesitate to contact the undersigned by email at ecalla@srd.ca or by telephone at 778-346-9142.

Your assistance in rectifying this matter is greatly appreciated.

Sincerely,

Enzo Calla
Bylaw Compliance Officer



Village of Tahsis

Corrine Dahling
293 N. Maquinna Drive
PO Box 187
Tahsis, BC, V0P 1X0

REGISTERED MAIL

October 8, 2021

Re: 293 North Maquinna Drive - Tahsis B.C. Unsightly Property Violation, Last Notice

Dear Mrs. Dahling

This is a follow up to letters sent May and August 2021 regarding the unsightly nature of the property located 293 North Maquinna Drive.

Bylaw No.614, 2019 Property Maintenance Regulation Bylaw sets out minimum standard for properties within the Village under section 9 and 12 of this bylaw states.

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

- 9.** *(1) An Owner or Occupier must not cause or permit Refuse or other noxious, offensive, or unwholesome objects, materials or items to collect or accumulate on or around the Land of that Owner or Occupier.*
(2) An Owner or Occupier must not cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.
(3) An Owner or Occupier of Land must not cause or permit to exist on the Land of that Owner or Occupier any unsanitary condition or other condition that is a health, fire, or other hazard.
(4) An Owner or Occupier must cause the Land of that Owner or Occupier to be kept clear from dilapidated, collapsed, or unfinished Buildings.
(5) An Owner or Occupier must not place Graffiti or permit Graffiti to remain on the Land or a Building of that Owner or Occupier so as to be visible from a Public Place or from any Land other than the Land on which the Graffiti has been placed.

DERELICT BOATS AND VEHICLES AND OTHER ITEMS

- 12.** *Subject to subsection (2), an Owner or Occupier must not cause or permit any of the following to be stored or to accumulate on the Land of the Owner or Occupier:*
- (a) all or any part of a Derelict Boat;*
 - (b) all or any part of a Derelict Vehicle;*
 - (c) Refuse.*



Village of Tahsis

Please see the definitions below outlining the derelict boat and vehicle as set out in the bylaw.

"Derelict Boat" means a vessel for travel on or over water, propelled by oars, sails, or an engine, which meets any one or more of the following criteria:

- (a)** fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b)** not capable of being used or operated for its intended purpose;
- (c)** not undergoing repairs or maintenance;

"Derelict Vehicle" means a Vehicle or trailer which meets any one or more of the following criteria:

- (a)** fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b)** not capable of being used or operated for its intended purpose;
- (c)** not displaying a current and valid licence plate in accordance with the Motor Vehicle Act or any other applicable enactment;

A visual inspection of the above noted property was conducted of the above noted property on October 4, 2021, 2021. At that time, it was noted that the property is still in violation of Village of Tahsis Property Maintenance Bylaw 614, 2019. The following must be done to remedy this matter;

1. Cut grass in the front, side and back yard has not been cut as been set out in section 9 (3)
2. Material accumulated in carport be removed as set out in section 9 (3)
3. All derelict vehicles removed from property section 12 (b, c)

The Village of Tahsis is extending a further 14 days for voluntary compliance with the above noted property by Monday October 25, 2021. If voluntary compliance cannot be achieved by this date this matter will be brought to the Village of Tahsis Municipal Council (November meeting) requesting an order to remediate the noted property with municipal staff or a hired contractor, with all costs involved in the remediation invoiced to the owner. Failure to pay invoice by December 31, 2021 will be added to property taxes.

Should you wish to discuss this matter further, please do not hesitate to contact the undersigned by email at ecalla@srd.ca or by telephone at 778-346-9142.

Sincerely,

Enzo Calla
Bylaw Compliance Officer

Mark Tatchell

From: Shelley DeBruyne
Sent: Wednesday, October 27, 2021 1:48 PM
To: Mark Tatchell
Subject: FW: Final Notice to remedy -293 North Maquinna

293 N Maquinna Final Notice correspondence.

Shelley DeBruyne
Administrative Coordinator
Box 219
977 South Maquinna Drive
Tahsis, BC VOP 1X0

From: Shelley DeBruyne
Sent: October 25, 2021 12:56 PM
To: 'Janet Stdenis' <janetgstdenis@gmail.com>
Subject: FW: Final Notice to remedy -293 North Maquinna

Shelley DeBruyne
Administrative Coordinator
Box 219
977 South Maquinna Drive
Tahsis, BC VOP 1X0

From: Enzo Calla <ecalla@srd.ca>
Sent: October 25, 2021 12:32 PM
To: Corrine Dahling <dahlingcorrine@gmail.com>
Cc: Shelley DeBruyne <SDeBruyne@villageoftahsis.com>
Subject: RE: Final Notice to remedy -293 North Maquinna

Hi Corrine,

Unfortunately, since nothing has been done to date and no solid plan is in place, we will be moving forward with report to council for a remedial order. Should the work be done prior to council meeting date, this can be removed from the agenda.

Sincerely,

Enzo

From: Corrine Dahling <dahlingcorrine@gmail.com>
Sent: October 23, 2021 11:02 AM
To: Enzo Calla <ecalla@srd.ca>
Subject: Re: Final Notice to remedy -293 North Maquinna

NOTICE: This email is from an external source.

Hi

Thank you for your email. Spoke to Dan about the vehicle. He has it on his get rid of vehicle list for the next time the car hauler comes in. As for the yard cleanup, he is going to mow back and front once the weather is dry enough to deal with it. Dan is in Victoria at the moment doing a ranger job and should be back in Tahsis in about a week. As you may already know he bought a machine to do jobs and he has a blade on order to put on the machine to mow that back area. (grass is too high to try and mow when it is wet out) Not sure if Kim is there or still in Campbell River. I have left her two messages and she has yet to get back to me. I understand you gotta do what you gotta do. Just let me know if our plan of action is not ok

Thanks
Corrine Dahling

On Fri, Oct 22, 2021 at 10:26 AM Enzo Calla <ecalla@srd.ca> wrote:

Hello Corrine,

I am just following up to see if you have received notice of the registered mail that was sent to you October 8, 2021. As per our past discussion no work has been done to date. A follow up inspection is scheduled for next week, if voluntary compliance has not been achieved this matter will be brought forward to the next council meeting for discussion to endorse a remedial order. Should you wish to discuss this matter further, please do not hesitate to contact me at the number listed below.

Sincerely,

Enzo



Enzo Calla

Bylaw Compliance Officer



990 Cedar Street, Campbell River, BC V9W 7Z8

e.calla@srd.ca | t. 778.346.9142 | f. 250.830.6710

PHOTO TAKEN 09/27/04

M1



M1

PHOTO TAKEN OCT 24/12



PHOTO TAKEN OCT 27/21

M1



M1

1982 LEO WITH LIGHT



M1

PHOTO TAKEN OCT 27/92







Village of Tahsis

October 28, 2021

Corrine Dahling
PO Box 187
293 N. Maquinna Drive
Tahsis, BC.
V0P 1X0

REGISTERED MAIL

RE: 293 North Maquinna Drive, Property Maintenance Regulation Bylaw Contraventions

On October 8, 2021 the Village of Tahsis Bylaw Compliance Officer served you with a Notice to Comply pursuant to s. 34 of the Property Maintenance Regulation Bylaw No. 614, 2019.

The relevant sections of the Bylaw are attached.

You failed to comply with the Bylaw by the date stated in the Notice.

On November 16, 2021 at 1 PM Council will decide whether to order you, as the Property Owner, to comply with the Bylaw. Prior to making that decision, Council will provide you with an opportunity to be heard at the Council meeting.

Please contact the Village office (reception@villageoftahsis.com or 250-934-6344) to advise if you will address Council at this meeting. Remote participation at the meeting can be facilitated upon request.

Sincerely,

Mark Tatchell
Chief Administrative Officer

cc: Enzo Calla, Bylaw Enforcement Officer

*Village of Tahsis
977 South Maquinna Drive
P.O. Box 219 Tahsis BC V0P 1X0
TEL: (250) 934-6344 FAX: (250) 934-6622
www.villageoftahsis.com*

Property Maintenance Regulation Bylaw No. 614 (ss 34-40)

NOTICE TO COMPLY

34. *In addition to any other remedy under any enactment or otherwise available at law, if a Bylaw Enforcement Officer determines that the Owner or Occupier of Land or a Building or any other person, does not comply with this Bylaw, the Bylaw Enforcement Officer may, by written notice, require the Owner, Occupier or other person to comply with this Bylaw.*
35. *Each notice pursuant to this Bylaw must contain the following:*
- (a) in the case of a notice to an Owner or Occupier,*
 - (i) the name of the Owner or Occupier to which it is directed, and the municipal address or location of any Land or Building to which it applies;*
 - (ii) particulars to describe how the Owner or Occupier fails to comply with this Bylaw;*
 - (iii) reasonable particulars of what is required in order to bring the Owner or Occupier into compliance with this Bylaw;*
 - (iv) a reasonable time within which to complete any repairs, work or other actions necessary to bring the Owner or Occupier into compliance with this Bylaw;*
 - (v) a statement that if such repairs, work or other actions are not completed within the time given, the matter may proceed to Council for an order to comply; and*
 - (vi) a statement that if such repairs, work or other actions are not completed within the time given in an order to comply issued by the Council, the Village may proceed to carry out such repairs, work or other actions, and the costs of the Village in doing so will be charged to the Owner or Occupier and may be recovered as a debt to the Village, and if not paid by December 31st of the year in which the costs are incurred, will be added to the property taxes for the Land and Building of the Owner or Occupier as taxes in arrears;*
 - (b) in the case of a notice to another person,*
 - (i) the name of the person to which it is directed, and the municipal address or location of any Land or Public Place to which it applies;*
 - (ii) particulars to describe how the person fails to comply with this Bylaw; (iii) reasonable particulars of what is required in order to bring the person into compliance with this Bylaw; (iv) a reasonable time within which to complete any*

work or other actions necessary to bring the person into compliance with this Bylaw;

(v) a statement that if such work or other actions are not completed within the time given, the matter may proceed to Council for an order to comply; and

(vi) a statement that if such work or other actions are not completed within the time given in an order to comply issued by the Council, the Village may proceed to carry out such work or other actions, and the costs of the Village in doing so will be charged to the person and may be recovered as a debt to the Village.

36. *Any notice required to be given pursuant to this Bylaw must be served by one of the following methods:*

(a) being personally delivered to the person to whom it is addressed;

(b) being left with a person apparently over the age of sixteen years at the location of the Land or Building to which it relates;

(c) being mailed by registered mail to the most recent address of the person to whom it is addressed as shown on the Village's property tax records; or

(d) being posted in a conspicuous place on the Land or Building to which it relates, including near the front entrance of any Building on the Land.

ORDER TO COMPLY

37. *If an Owner or Occupier fails to comply with a notice from a Bylaw Enforcement Officer, Council may order the Owner or Occupier to comply, within a time specified in the order, with the requirements of this Bylaw that are not being met in respect of the Land or Building of the Owner or Occupier.*
38. *Prior to Council making an order under section 37, the Owner or Occupier of the Land or Building shall be given the opportunity to be heard by Council in respect of the matter contained in the notice from the Bylaw Enforcement Officer.*
39. *If the Owner or Occupier fails to comply with an order of Council under section 37, the Village, by its employees, contractors or agents, may act in accordance with section 17 of the Community Charter to fulfil the requirements of the order and to recover the costs of doing so as a debt due to the Village from the Owner or Occupier of the Land or Building which is the subject of the order.*
40. *If any of the costs of carrying out the order of Council under section 37 remains unpaid on December 31st of the year in which the costs were incurred, the costs may be added to the property taxes for the Land and be recovered as taxes in arrears.*

Council resolution re: Order to Comply for the following property:

Lot 40, Plan VIP 30721, DL 595, Nootka Land District (293 North Maquinna Drive)

MOVED, SECONDED BY COUNCILLORS _____ THAT

WHEREAS a Notice to Comply made under the Property Maintenance Regulation Bylaw, 2019, No. 614 (the "Bylaw") and dated October 8, 2021 was served on Corinne Dahling ("the Owner") on or about the same date in respect of the non-compliance of Lot 40, Plan VIP 30721, District Lot 595, Nootka Land District, civic address 293 North Maquinna Drive ("the "Property") with the Bylaw; and

WHEREAS the Property is an Unsightly Property as defined in the Bylaw and in contravention, of the Bylaw, including section 9 due to the presence of Refuse and other offensive and unwholesome objects, materials or items which have accumulated on or around the Land of the Owner and the Land has become and remains an untidy or Unsightly Property; and

WHEREAS the Property is in contravention of section 11 of the Bylaw by reason of the fact that the Owner has caused or permitted Weeds or other unintended plants to grow or accumulate on the Land, and the Owner has caused or permitted the lawn on the Land to grow to over 25.4 cm in height; and

WHEREAS the Property is in contravention of section 12 of the Bylaw due to the Owner having caused or permitted Derelict Vehicles to be stored or to accumulate on the Land of the Owner; and

WHEREAS the Notice to Comply provided a deadline for compliance of September 30, 2021, but the Village provided the Owner with extensions until October 25, 2021 and

WHEREAS the Owner has failed to comply with the Notice to Comply by the deadline of October 25, 2021 and there have been no improvements to the property to address the non-compliance with the Bylaw as set out in the Notice to Comply; and

WHEREAS Council is authorized under s. 37 of the Bylaw to make an Order to Comply,

THEREFORE, BE IT RESOLVED THAT:

Council makes the following order under s. 37 of the Bylaw:

1. The Property Owner must, by no later than December 16, 2021, comply with the Bylaw, including by doing the following:
 - a. Remove all refuse, materials and other items which cause the Land to be an Unsightly property as defined in the Bylaw;
 - b. Mow the lawn to a height of less than 25.4 cm;
 - c. Remove all weeds and other unintended plants from the Land; and
 - d. Remove all derelict vehicles from the Land
2. The Property Owner must comply with all other applicable bylaws, statutes, regulations, codes and other laws in undertaking the work required hereunder, including by obtaining all relevant and required work, safety, building and other permits for any construction or cleaning and remediation works;
3. If the Property Owner fails to comply with this Order to Comply of Council under section 37 of the Bylaw, the Village, by its employees, contractors or agents, may act in accordance with section 17 of the *Community Charter* to fulfil the requirements of the Order and to recover the costs of doing so as a debt due to the Village from the Property Owner that is the subject of the Order; and
4. If any of the costs of carrying out this Order of Council under section 37 of the Bylaw remain unpaid on December 31st of the year in which the costs were incurred, the costs may be added to the property taxes for the Property and be recovered as taxes in arrears from the Property Owner.

VILLAGE OF TAHSIS
BYLAW NO. 614
Being a Bylaw to Regulate the Maintenance of Property, Unsightly Properties and Nuisance Within the Village of Tahsis

The Council of the Village of Tahsis, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART I – GENERAL PROVISIONS
Citation

1. This Bylaw may be cited as the “Property Maintenance Regulation Bylaw, 2019, No. 614.”

DEFINITIONS

2. (1) In this Bylaw:

“**Accessory Building**” means a Building or other structure, the use or intended use of which is ancillary to that of the principal Building situated on the same Land;

“**Boulevard**” means that portion of a street between the curb lines or the lateral lines of the surface of a roadway and the adjoining property line, exclusive of the sidewalk;

“**Building**” means a structure used or intended for supporting or sheltering any use or occupancy, but does not include a structure owned or occupied by the Village;

“**Bylaw Enforcement Officer**” means any of the persons designated as such under section 32;

“**Council**” means the Council of the Village;

“**Derelict Boat**” means a vessel for travel on or over water, propelled by oars, sails, or an engine, which meets any one or more of the following criteria:

- (a) fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b) not capable of being used or operated for its intended purpose;
- (c) not undergoing repairs or maintenance;

“**Derelict Vehicle**” means a Vehicle or trailer which meets any one or more of the following criteria:

- (a) fully or partially junked, scrapped, dismantled, disassembled, wrecked, disabled, or in a condition otherwise harmful to public health, welfare or safety;
- (b) not capable of being used or operated for its intended purpose;
- (c) not displaying a current and valid licence plate in accordance with the *Motor Vehicle Act* or any other applicable enactment;
- (d)

"Graffiti" means one or more letters, initials, symbols, marks, slogans, designs or drawings however made, on any sidewalk, fence, sign, wall, Building or any other structure or surface but does not include any of the following:

- (a) marks made accidentally;
- (b) a sign, public notice or traffic control mark authorized by the Director of Operations or his or her designate;
- (c) a sign authorized pursuant to the Village's applicable bylaws regulating signs;
- (d) a public notice authorized by a Village bylaw or by a provincial or federal enactment;
- (e) a letter, symbol or mark authorized by the Owner or Occupier of the Land or Building on which the letter, symbol or mark appears;

"Land" means any lot, parcel, block or other area in which land is held or into which it is subdivided, but does not include:

- (a) Buildings or other improvements; or
- (b) a Public Place;

"Public Place" means any lot, parcel, block or other area of land under the care, management or jurisdiction of the Village, including Boulevards, sidewalks, parks and highways;

"Refuse" means any of the following:

- (a) rubbish;
- (b) trash;
- (c) garbage;
- (d) litter;
- (e) debris;
- (f) rubble;
- (g) demolition waste;
- (h) discarded or disused objects, materials or items;
- (i) junk;
- (j) filth;
- (k) unused or dismantled aircraft, electronic devices, or machinery;
- (l) old, discarded or unused mechanical or metal parts;
- (m) glass or plastic bottles or objects;

-
- (n) tin cans or other metal containers;
 - (o) paper;
 - (p) glass;
 - (q) pipes;
 - (r) dilapidated furniture;
 - (s) inoperative appliances and other similar things;
 - (t) unused wood or wood products, excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances;

“Unsightly Property” includes Land with any one or more of the following characteristics or conditions to such an extent that as a whole the Land looks unkempt, unmaintained, dilapidated or in disrepair:

- (a) the accumulation of Refuse, Graffiti, Derelict Vehicles or Derelict Boats;
- (b) plants, bushes, hedges, shrubs, and trees that are decaying, dying or dead or are demonstrating uncontrolled growth;
- (c) uncontained compost piles;
- (d) unused landscaping materials;
- (e) any Building, other structure, fence, or external surface, or part thereof, that contains holes, breaks, rot, or that is crumbling or cracking, or is covered with rust or peeling paint, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance; or
- (f) any other condition similar to those described in paragraphs (a) to (e), regardless of the condition of other properties in the neighbourhood in which the Land is located;

“Vacant Building” means a Building that is not lawfully occupied or that is not lawfully being used for its approved purpose for a continuous period of 60 consecutive days;

“Vehicle” includes:

- (a) a vehicle as defined in the *Motor Vehicle Act*; and
- (b) snowmobiles, motorcycles, off-road side-by-side vehicles and all-terrain vehicles;

“Village” means the Village of Tahsis;

“Weeds” means

- (a) plants set out in the *Schedule to the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* made under the *Community Charter*;
- (b) any plant designated as a weed by regulation made under the *Weed Control*

Act; and

- (c) other plants with similar properties which are likely to spread to or become a nuisance to other properties in the vicinity of the Land on which they are located;

“Zoning Bylaw” means the Village of Tahsis Zoning Bylaw, No.176, 1981.

- (2) A word or term not defined in subsection (1) will, in this Bylaw, be given the meaning it has in the *Community Charter* or *Local Government Act*.

APPLICATION

- 3. This Bylaw applies to all Land and Buildings within the Village and to Public Places to the extent provided for in sections 14, 15 and 30.
- 4. Every Owner of Land or a Building is responsible for maintaining the Land or Building, as applicable, in compliance with this Bylaw and for carrying out or causing to be carried out any work required under this Bylaw to bring such Land or Building into compliance with this Bylaw.
- 5. Every Occupier of Land or a Building must ensure the Land or Building, as applicable, is maintained in compliance with this Bylaw and the Occupier may, in addition to the Owner of the Land or Building, be held responsible for carrying out or causing to be carried out any work required under this Bylaw to bring such Land or Building into compliance with this Bylaw.

SEVERABILITY

- 6. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity will not affect the validity of the remaining portions of this Bylaw.

INTERPRETATION

- 7. Where there is a reference in this Bylaw to an enactment of the Province of British Columbia, that reference will include a reference to any prior or subsequent enactment of the Province of British Columbia of like effect and, unless the context otherwise requires, all statutes referred to in this Bylaw are enactments of the Province of British Columbia.

REPEAL

- 8. The following Bylaw is hereby repealed: “Property Maintenance Regulation Bylaw 573 – 2013”.

PART II – STANDARDS FOR MAINTENANCE OF PROPERTY

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

- 9. (1) An Owner or Occupier must not cause or permit Refuse or other noxious, offensive or unwholesome objects, materials or items to collect or accumulate on or around the Land of that Owner or Occupier.
- (2) An Owner or Occupier must not cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.

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- (3) An Owner or Occupier of Land must not cause or permit to exist on the Land of that Owner or Occupier any unsanitary condition or other condition that is a health, fire or other hazard.
 - (4) An Owner or Occupier must cause the Land of that Owner or Occupier to be kept clear from dilapidated, collapsed or unfinished Buildings.
 - (5) An Owner or Occupier must not place Graffiti or permit Graffiti to remain on the Land or a Building of that Owner or Occupier so as to be visible from a Public Place or from any Land other than the Land on which the Graffiti has been placed.
10. Section 9(1) does not apply to the lawful storage of materials in or on any Land that is zoned for non-residential uses under the Zoning Bylaw, if a lawful use requiring those materials is conducted on the Land and the materials are stored in a tidy and orderly manner.

PLANTS, WEEDS AND LAWN OVERGROWTH

11. (1) An Owner or Occupier must not cause or permit Weeds or other unintended plants to grow or accumulate on the Land of that Owner or Occupier, including on or near the perimeter of that Land so as to create a fire hazard or obstruct access to that Land in the case of an emergency.
- (2) An Owner or Occupier must not cause or permit the lawn on the Land of that Owner or Occupier to grow in height beyond the prevailing standard in the neighbourhood in which the Land is located, but in any event, not beyond 25.4 cm. (10 in.) in height.
- (3) An Owner or Occupier must not cause or permit any trees, hedges, bushes, shrubs or other plant growth that is a hazard to the safety of persons, likely to damage public property, or seriously inconvenience the public, to remain on the Land of that Owner or Occupier.

DERELICT BOATS AND VEHICLES AND OTHER ITEMS

12. Subject to subsection (2), an Owner or Occupier must not cause or permit any of the following to be stored or to accumulate on the Land of the Owner or Occupier:
- (a) all or any part of a Derelict Boat;
 - (b) all or any part of a Derelict Vehicle;
 - (c) Refuse.

DRIVEWAYS, WALKWAYS AND FENCES

13. (1) An Owner or Occupier must maintain driveways, walkways, steps, parking spaces, and loading areas on the Land of the Owner or Occupier in a clean, fit, and safe condition, free from Refuse or other noxious, offensive or unwholesome objects, materials or items so as to ensure safe passage under normal use and weather conditions.
- (2) An Owner or Occupier must maintain any outdoor lighting installation and its supports on the Land of the Owner or Occupier in safe and proper working condition.
- (3) An Owner or Occupier must maintain any fence on the Land of that Owner or Occupier in good condition and repair.

SIDEWALKS AND BOULEVARDS

14. An Owner or Occupier of any Land abutting or fronting upon a portion of a sidewalk must cause that portion of the sidewalk to be cleared and kept clear of all snow, ice, dirt, Refuse or other noxious, offensive or unwholesome objects, materials or items.
15. An Owner or Occupier of any Land must cause the portion of the Boulevard that is located in front of or adjacent to such Land to be maintained:
 - (a) free of Weeds;
 - (b) so that the grass is trimmed to a height not higher than 25.4 cm. (10 in.);
 - (c) kept clear of all Refuse or other noxious, offensive or unwholesome objects, materials or items.

PEST INFESTATIONS

16. An Owner or Occupier of any Land or Building must prevent or cause to be prevented any infestation of such Land or Building by rodents, vermin or other noxious or destructive insects or animals.

DRAINAGE

17.
 - (1) An Owner or Occupier must ensure that all surface water originating from the Land of the Owner or Occupier is contained on that Land and is drained from that Land in manner which does not result in water entering into a Building, including a basement of a Building.
 - (2) An Owner or Occupier must not cause or permit water from the Land of the Owner or Occupier to
 - (a) drain onto any adjoining Land or other property, or
 - (b) accumulate or pond on the Land of the Owner or Occupier,unless the drainage or ponding occurs naturally.
 - (3) An Owner or Occupier must not cause or permit an excavation or basement area left after a Building is demolished to become or remain filled with water.

CONSTRUCTION AND DEMOLITION

18. An Owner or Occupier must ensure that all construction conducted on the Land of the Owner or Occupier is carried out in a tidy and orderly manner, and that all construction materials and equipment are properly and safely stored when not in use.
19. Upon demolition of any Building on the Land of the Owner or Occupier, the Owner or Occupier must within two (2) weeks after the demolition is completed, remove or cause to be removed from that Land all debris and other material from the demolition.

20. An Owner or Occupier of Land must, both immediately upon completion of the demolition of a Building on the Land of the Owner or Occupier and within 24 hours of receipt of written notice from a Bylaw Enforcement Officer, cause:
- (a) any basement or other excavation remaining after the demolition of the Building to be filled in or covered over to lot grade level; and
 - (b) the Land to be left in a tidy condition.

VACANT BUILDINGS

21. (1) An Owner of a Vacant Building must ensure that the Vacant Building is secure from unauthorized entry.
- (2) An Owner of a Vacant Building must secure the Vacant Building to the satisfaction of a Bylaw Enforcement Officer within 24 hours of receipt of written notice from the Bylaw Enforcement Officer.

ACCESSORY BUILDINGS

22. An Owner or Occupier must ensure that every Accessory Building on the Land of the Owner or Occupier is constructed and maintained with suitable and uniform materials, free from health, safety and fire hazards, and is kept in good repair and protected by paint, preservatives or other weather-resistant material.

RETAINING WALLS

23. An Owner or Occupier must ensure that retaining walls on Land of the Owner or Occupier are constructed in a structurally sound and plumb manner, unless specifically designed to be other than vertical, and are maintained in good repair and free from hazards.

STRUCTURAL INTEGRITY

24. An Owner or Occupier must ensure that each Building on the Land of the Owner or Occupier, and the structural members of that Building, are maintained in good repair and in a manner that provides sufficient structural integrity so as to sustain safely their own weight and any additional loads and influences to which they may be subjected through normal use.

FOUNDATIONS

25. An Owner or Occupier must ensure that foundation walls and other supporting members of each Building on the Land of the Owner or Occupier are maintained in good repair and prevent or inhibit the entrance of moisture and water into the Building.

EXTERIOR DOORS AND WINDOWS

26. (1) An Owner or Occupier must ensure that exterior doors, windows, skylights, and hatchways of each Building on the Land of the Owner or Occupier are maintained in good repair and weather tight.
- (2) An Owner or Occupier must ensure that openings, other than doors and windows, in the exterior walls of each Building on the Land of the Owner or Occupier are effectively sealed to prevent the entry of rodents, vermin or other noxious or destructive insects or animals.

- (3) An Owner or Occupier must ensure that latching and locking devices on exterior doors and windows of each Building on the Land of the Owner or Occupier are maintained in good working order.
- (4) An Owner or Occupier must ensure that doors providing automobile access to garages in each Building on the Land of the Owner or Occupier are maintained at all times in good working order and repair.

ROOF AND ROOF DRAINAGE

- 27. (1) An Owner or Occupier must ensure that the roof, including the flashing, fascia, soffit, and cornice, of each Building on the Land of the Owner or Occupier is maintained in a weather tight condition.
- (2) An Owner or Occupier must ensure that the eavestroughs, downspouts and roof drains on each Building on the Land of the Owner or Occupier are kept in good repair, and free from leaks.

STAIRS, BALCONIES AND PORCHES

- 28. (1) An Owner or Occupier must ensure that stairways, balconies, porches and landings in, on or appurtenant to each Building on the Land of the Owner or Occupier are maintained in a safe and clean condition, in good repair, and free from holes, cracks, excessive wear and warping, and hazardous obstructions.
- (2) An Owner or Occupier must ensure that handrails and guards on each Building on the Land of the Owner or Occupier are maintained in good repair, and that any replacement of them conforms to the *B.C. Building Code*.

EXTERIOR WALLS, COLUMNS AND PROJECTIONS

- 29. (1) An Owner or Occupier must ensure that exterior walls, parapet walls and columns of each Building, and its components, on the Land of the Owner or Occupier are maintained in good repair, weather-tight and free from loose and unsecure objects and material, and in a manner so as to prevent or retard deterioration due to weather.
- (2) An Owner or Occupier must ensure that the protective or decorative finishes of all exterior surfaces of each Building on the Land of the Owner or Occupier are maintained in good repair to prevent deterioration that negatively affects the appearance of the Building.
- (3) An Owner or Occupier must ensure that Graffiti, painted slogans, smoke damage or other markings, stains or defacement appearing on any exterior surface of a Building on the Land of the Owner or Occupier are removed, and, if necessary to maintain the exterior surface, the surface of these areas is restored or resurfaced so as to be coordinated to the exterior finish of the rest of the Building.
- (4) An Owner or Occupier must ensure that canopies, marquees, signs, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments, extensions and their supporting members attached to or forming part of a Building on the Land of the Owner or Occupier are maintained in good repair, properly and safely anchored, and protected from the elements by paint or other protective coating to prevent deterioration, decay and rust.

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- (5) An Owner or Occupier must ensure that exterior wall facings, projections, cornices and decorative features of each Building on the Land of the Owner or Occupier are maintained in good repair, and are safely and properly anchored.

PART III - NUISANCES

LITTERING

30. A person must not deposit or throw Refuse or other noxious, offensive or unwholesome objects, materials, or items on any Public Place or any Land.

ODOUR AND DISTURBANCES

31. An Owner or Occupier must not emit, make or cause or permit to be emitted, made or caused on or from the Land or any Building of the Owner or Occupier any odour, vibration, illumination, dust or other matter which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that Land or Building.

PART IV - ENFORCEMENT

BYLAW ENFORCEMENT OFFICERS

32. The Council hereby designates each of the following persons as a bylaw enforcement officers for the purpose of enforcement of this Bylaw:
- (a) a member of the Royal Canadian Mounted Police;
 - (b) the corporate officer of the Village;
 - (c) a bylaw enforcement officer appointed by the Council under section 36 of the *Police Act*;
 - (d) a local assistant to the fire commissioner under section 6 of the *Fire Services Act*;
 - (e) an environmental health officer or other authorized representative of the Vancouver Island Health Authority;
 - (f) a gas inspector for the Village;
 - (g) an electrical inspector for the Village;
 - (h) a building inspector for the Village.

ENTRY ON PROPERTY

33. (1) A Bylaw Enforcement Officer may, at all reasonable times, enter any Land, Building or Public Place to ascertain whether the requirements of this Bylaw are being complied with.
- (2) Despite subsection (1), a Bylaw Enforcement Officer must, before entering a lawfully occupied dwelling unit in a Building, either:
- (a) obtain the consent of the Occupier of the dwelling unit, or

- (b) give to the Occupier of the dwelling unit at least 24 hours' written notice of the entry and the reasons for it.
- (3) A person must not prevent or obstruct, or attempt to prevent or obstruct, a Bylaw Enforcement Officer from entering any Land, Building or Public Place.

NOTICE TO COMPLY

34. In addition to any other remedy under any enactment or otherwise available at law, if a Bylaw Enforcement Officer determines that the Owner or Occupier of Land or a Building or any other person, does not comply with this Bylaw, the Bylaw Enforcement Officer may, by written notice, require the Owner, Occupier or other person to comply with this Bylaw.
35. Each notice pursuant to this Bylaw must contain the following:
 - (a) in the case of a notice to an Owner or Occupier,
 - (i) the name of the Owner or Occupier to which it is directed, and the municipal address or location of any Land or Building to which it applies;
 - (ii) particulars to describe how the Owner or Occupier fails to comply with this Bylaw;
 - (iii) reasonable particulars of what is required in order to bring the Owner or Occupier into compliance with this Bylaw;
 - (iv) a reasonable time within which to complete any repairs, work or other actions necessary to bring the Owner or Occupier into compliance with this Bylaw;
 - (v) a statement that if such repairs, work or other actions are not completed within the time given, the matter may proceed to Council for an order to comply; and
 - (vi) a statement that if such repairs, work or other actions are not completed within the time given in an order to comply issued by the Council, the Village may proceed to carry out such repairs, work or other actions, and the costs of the Village in doing so will be charged to the Owner or Occupier and may be recovered as a debt to the Village, and if not paid by December 31st of the year in which the costs are incurred, will be added to the property taxes for the Land and Building of the Owner or Occupier as taxes in arrears;
 - (b) in the case of a notice to another person,
 - (i) the name of the person to which it is directed, and the municipal address or location of any Land or Public Place to which it applies;
 - (ii) particulars to describe how the person fails to comply with this Bylaw;
 - (iii) reasonable particulars of what is required in order to bring the person into compliance with this Bylaw;
 - (iv) a reasonable time within which to complete any work or other actions necessary to bring the person into compliance with this Bylaw;
 - (v) a statement that if such work or other actions are not completed within the time given, the matter may proceed to Council for an order to comply; and
 - (vi) a statement that if such work or other actions are not completed within the time given in an order to comply issued by the Council, the Village may proceed to carry out such work or other actions, and the costs of the Village in doing so will be charged to the person and may be recovered as a debt to the Village.

36. Any notice required to be given pursuant to this Bylaw must be served by one of the following methods:
- (a) being personally delivered to the person to whom it is addressed;
 - (b) being left with a person apparently over the age of sixteen years at the location of the Land or Building to which it relates;
 - (c) being mailed by registered mail to the most recent address of the person to whom it is addressed as shown on the Village's property tax records; or
 - (d) being posted in a conspicuous place on the Land or Building to which it relates, including near the front entrance of any Building on the Land.

ORDER TO COMPLY

37. If an Owner or Occupier fails to comply with a notice from a Bylaw Enforcement Officer, Council may order the Owner or Occupier to comply, within a time specified in the order, with the requirements of this Bylaw that are not being met in respect of the Land or Building of the Owner or Occupier.
38. Prior to Council making an order under section 37, the Owner or Occupier of the Land or Building shall be given the opportunity to be heard by Council in respect of the matter contained in the notice from the Bylaw Enforcement Officer.
39. If the Owner or Occupier fails to comply with an order of Council under section 37, the Village, by its employees, contractors or agents, may act in accordance with section 17 of the *Community Charter* to fulfil the requirements of the order and to recover the costs of doing so as a debt due to the Village from the Owner or Occupier of the Land or Building which is the subject of the order.
40. If any of the costs of carrying out the order of Council under section 37 remains unpaid on December 31st of the year in which the costs were incurred, the costs may be added to the property taxes for the Land and be recovered as taxes in arrears.

PENALTIES

41. (1) A person who
- (a) contravenes, violates or fails to comply with any provision of this Bylaw,
 - (b) suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or
 - (c) fails to do anything required by this Bylaw,
- commits an offence and will be liable upon conviction of a fine of not more than the total of the following:
- (d) \$10,000 (Ten Thousand Dollars),
 - (e) the costs incurred by the Village in investigating and prosecuting the person, and
 - (f) any other penalty or order permitted to be imposed pursuant to the *Community Charter* or the *Offence Act*.

- (2) Each day that an offence against this Bylaw continues or exists will be deemed to be a separate and distinct offence.

EFFECTIVE DATE

42. This bylaw comes into force upon adoption.

READ A FIRST TIME the 2ND day of April 2019

READ A SECOND TIME the 2nd day of April 2019

PUBLIC HEARING held the 29th day of April 2019

READ A THIRD TIME the 7th day of May 2019

ADOPTED on the 21st day of May 2019

Reconsidered, Finally Passed and Adopted this 21st day of May, 2019

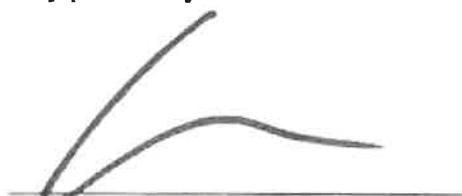


Mayor



Chief Administrative Officer

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 614, 2019 duly passed by the Council on this 21st day of May 2019.



Corporate Officer