

M.D. of Opportunity No 17

TITLE: REMOVAL OR DEMOLITION OF UNSAFE BUILDINGS
EFFECTIVE DATE: MARCH 30, 2011
POLICY NUMBER: LAND POLICY (L.4)

Policy Statements:

1. This policy sets out the guidelines where the designated officers of Municipal District of Opportunity and equipment may enter into privately owned residential land to remove and/or demolish unsafe structures and buildings in accordance with the *Land Use Bylaw and Municipal Government Act*. The purpose of the policy is to ensure that all possible measures are taken to prevent accidents and/or injuries to individuals that may arise from unsafe buildings and/or structures or excavations and holes situated on residential lots.

Definitions:

- a) "Designated Officer" means the Chief Administrative Officer, Bylaw Enforcement Officer, Development Officer and Equipment Operators.
 - b) "Unsafe Structures" means structures located on residential zoned properties only whose exterior shows signs of significant physical deterioration resulting from age, fire, wind damage or other acts of nature. Main floor structures with a minimum size of 576 square feet and a maximum of 1200 square feet are only eligible.
2. As per Section 546 (0.1), of the Municipal Government Act (MGA), if in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order:
 - a) Require the owner of the structure to eliminate the danger to public safety in the manner specified or, remove or demolish the structure and level the site;
 - b) Require the owner of the land that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
 - c) Require the owner of the land that is in an unsightly condition to improve the appearance of the property in the manner specified, or if the property is a structure, remove or demolish the structure and level the site.
 3. As per Section 7.1 of the Land Use Bylaw - Enforcement and Administration, Contravention and Penalties, the Development Authority is authorized to:
 - a) Require the owner, in writing, to demolish, remove or replace the development, and/or take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made hereunder, a development permit, subdivision approval or through the land use bylaw, as the case may be;
 - b) May, in accordance with Section 542 of the MGA, enter upon the land or building and take such action as is necessary to carry out the order.
 - c) The Council may cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the manner as taxes on land.
 4. Subject to the allowances available in the MGA and Land Use Bylaw as stated above, the municipality desires to encourage safety precautions for the general public in any way possible and has come to an understanding that some assistance may be provided to the landowners in this regard.

In an effort to work cooperatively with the owners of residential land and properties to ensure safety is top priority, landowners may apply to the municipality for the removal or demolition of unsafe buildings/structures, filling in of excavations and holes by municipal staff and equipment subject to the following procedures:

- a) Prior to entry of the privately owned residential land, staff is required to complete a "Right of Entry" form and attached as Schedule "A" which has been completed and signed by the land and property owner indicating their consent for such action to be taken.

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- b) Prior to entry of the privately owned residential land, staff is required to complete a "Release & Waiver" form and attached as Schedule "B" which has been completed and signed by the land and property owner indicating their consent for such action to be taken.
- c) Written requests for Removal and/or Demolition of Buildings/Structures will be accepted throughout the year in the prescribed form attached as Schedule "C".
- d) Only buildings/structures, excavations or holes that are deemed to be unsafe to the general public by the manager in consultation with the development officer will be approved for such service.
- e) Priority of removal and/or demolition of unsafe buildings or filling in of excavations or holes on public or private land shall be determined by the CAO in consultation with the development officer.
- f) Full costs for this service may be borne by the municipality or cost shared with the land-owner at the discretion of the CAO.

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APPROVED: March 30, 2011 - MOTION # 0158-2011-17MDC

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SCHEDULE "A"
RIGHT OF ENTRY FORM – REMOVAL/DEMOLITION OF BUILDING

As a site inspection of the land that is the subject of the application may be required, we request that you complete the following authorization and submit it with your application for development, the removal/demolition of unsafe buildings/structures, excavations and holes.

I/We _____, do grant consent for an authorized person of the Municipal District of Opportunity to enter upon the subject land for the purpose of a site inspection, the removal/demolition of unsafe buildings/structures, excavations and holes.

Legal land description: Plan _____ Block _____ Lot _____

Hamlet: _____ Civic #: _____

Long legal description: _____

Signature: _____ Date: _____

Municipal Official/Designate: _____

"The personal information submitted pursuant to this form will be utilized for this purpose only and is subject to compliance with the Freedom of Information and Protection of Privacy Act".

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SCHEDULE "B"
RELEASE AND WAIVER - REMOVAL/DEMOLITION OF BUILDING

In consideration of the Municipal District of Opportunity No. 17 allowing the authorized person to enter the property:

I, _____ hereby release the Municipal District of Opportunity No. 17 from any claims, demands, damages, actions or causes of actions arising out of or in consequence of any loss, injury or damage to my person or property incurred while on the property not withstanding any such loss, injury or damage may have arisen by reason of the negligence of the Municipal District of Opportunity No. 17 for myself, my heirs, executors and assigns.

Signed this _____ day of _____, 2011.

WITNESS

LAND OWNER

- _____ DANGEROUS TREES _____
- _____ DEMOLITION OF UNSAFE BUILDINGS/EXCAVATIONS/HOLES _____
- _____ OTHER _____

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**SCHEDULE "C"
REMOVAL/DEMOLITION OF BUILDING**

APPLICATION FOR DEMOLITION AND REMOVAL OF STRUCTURES/EXCAVATIONS & HOLES

Name of Individual or Organization: _____

Address: _____

I, _____ hereby request that the Municipality enter into my property to remove/demolish an unsafe structure, excavation or hole.

Date of the Demolition & Removal:

Description of Structure/Excavation/Hole (Age damage, fire damage, wind damage or other act of nature and size of structure, house, shed, etc.):

Landowner Signature

Date

Municipal Clerk/Designate

For office use only: Estimated Costs: _____

Manager Approval: _____

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