

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

POLICY GROUP:	Bylaw Enforcement
POLICY #:	8.2
SUBJECT:	Building Inspection – Dangerous Structures
ADOPTED:	June 15, 2005
REVISED:	
ADMINISTERED BY:	Building Inspector/Administration

Procedure:

1. Inspect property. Take photos, date and sign, note details of dangerous conditions.
2. Send letter (Form 1) to all of owner/occupier/lessee/agent of owner/all persons having interest in land recorded at Land Title Office to remedy the problem. Give a reasonable time to comply (21 days), unless it is an emergency.
3. On the date set for compliance, inspect again. Timely enforcement is important. Note condition of property. Take photos if any changes.
4. If not remedied or if condition worse, send notice of meeting of Council (to consider report and take action) by registered mail (Form 2).
5. Prepare report, including photos, to Council (Form 3). Prepare resolution (Form 4).
6. Date of meeting: Mayor should ask if anyone with an interest in the property wishes to come forward and make a response to the report. Council should listen fairly and then make decision. If order to issue, Council should pass resolution.
7. Council may set the time for compliance as long as it is reasonable and contained in the resolution; the time for compliance runs from the date of mailing the notice to the owner.
8. Resolution and letter (Form 5) must be sent by registered mail to owner/occupier/lessee/agent of owner/all persons having interest in land recorded at Land Title Office, giving 60 days (or less) to remedy situation as per resolution. (If service cannot be effected, application can be made to the court for substituted service either by mail, advertising or placing/posting on the premises or in mail slot or box. Note also that an application for substituted service can be made ex parte (without notice to the other side) anywhere in the province. In other words, legal counsel can apply on the District's behalf at the Victoria Courthouse to a Judge in Chambers at Supreme Court.)

9. On 60th day (or earlier, depending on the expiry date in the Resolution), inspect again, note condition of property. If work has not been done, have staff or contractor do remedial work and send account to owner/occupier. If not paid by December 31st that year, add as taxes in arrears. Do not dispose of assets unless 60 days have expired. This may apply to the salvage rights in a contract.
10. Note that time periods can be lengthened or shortened as the situation warrants. Where there is an imminent danger, the time can be rather short, so long as notice is served. Also in situations of imminent danger, a court application may be made.

[Date]

[Owner/Occupier/Tenant]

[Address]

Dear Sir:

Re: [Legal Description]
[Folio No.]

As a result of complaints received in this office, our Building Inspector inspected your property legally described above and located at [Street address], Fort St. James, B.C. and observed that [description of infraction, e.g. the rear sundeck has no railing], contrary to the B.C. Building Code, and is unsafe.

Under Sections 72-80 of the Community Charter, Council has the authority to require that the property be brought up to the standards specified in the B.C. Building Code, adopted by Bylaw No. 731, 2000. A copy of Sections 72-80 is enclosed.

I therefore serve this notice and request that you [describe required remedy, e.g. install a railing on the sundeck] within __ days of the date of this letter.

In the event that you fail to comply with this notice by midnight on [date], I must forthwith file a report with the Council for their attention and further action.

I trust that you will cooperate with the Municipality in this regard and see that this matter is resolved to the satisfaction of all concerned.

Yours truly,

Administrator

**IN THE MATTER OF SECTION 73 OF
THE COMMUNITY CHARTER S.B.C
CHAPTER 26 AND AMENDMENTS**

AND

**IN THE MATTER OF THAT PART OF LOT
[Legal Description]**

TO:

[send copies to owner/occupier/tenant]

NOTICE OF HEARING

TAKE NOTICE that the Council of the District of Fort St. James pursuant to Section 73 of the Community Charter will at the hour of 7:00 in the after noon on _____[day], the [date] day of [month], [year], in the Council Chambers at the Municipal Hall at 477 W. Stuart Drive in Fort St. James, British Columbia hear representations by the Building Inspector as to whether, with respect to the lands more particularly described above, the owner/occupier/tenant shall be required to [describe remedy a building code violation, e.g. install a railing around the sundeck at the rear of the dwelling] situated on the above mentioned land in accordance with Bylaw No. 731, 2000 and the B.C. Building Code, which is a safety requirement.

AND FURTHER TAKE NOTICE that should the Council require the owner/occupier/tenant to take remedial action, and the owner/occupier/tenant defaults, the Council may pass a bylaw to direct its employees and others to enter and effect the work at the expense of the person defaulting. The charges for doing so, if unpaid on December 31st in the year in which the Municipality effects the work, shall be recovered from the owner in the same manner as municipal taxes.

AND FURTHER TAKE NOTICE that should you wish to make representation to the Council regarding the lands and premises listed above, you should appear at the that time, date and place to make your presentation to the Council.

THIS NOTICE is given by the Municipal Council of this _____ day of _____, 200__

Administrator

MEMO

Date: []

To: **Mayor and Council**

From : Building Inspector

Re: Bylaw Violation

This department has inspected the property situated at [street address], Fort St. James, B.C., legally described as [legal description]; Folio No. [] registered in the names of [owner/occupier, address] and observed that [describe violation, e.g., the rear sundeck has no railing] and is unsafe as a result.

A letter, copy enclosed, was forwarded to the owners, tenant and occupier of the property on [date] requesting that the situation be remedied. A further inspection was made on [date] and nothing has been done.

I request therefore that the Council proceed with a resolution under section 73 of the Community Charter and give notice to the owner, tenant or occupier giving him or her 30 days to remedy the situation or the work will be done by the Municipality or by its authorized agents and the cost recovered in accordance with sections 17 and 258 of the Community Charter.

Respectfully submitted

Building Inspector

DISTRICT OF FORT ST. JAMES

RESOLUTION NO. []

**A RESOLUTION TO DIRECT THE BRINGING UP TO BYLAW STANDARD OF AN
UNSAFE BUILDING OR STRUCTURE AT [ADDRESS].**

WHEREAS:

- A. Sections 72-73 of the Community Charter permit a Council to authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw, or the Council believes is in an unsafe condition;
- B. The [describe violation, e.g., sundeck situated at the rear of the dwelling] located on [legal description], hereinafter called "the land", contravenes the requirements of Building Bylaw No. 731, 2000, and the B.C. Building Code, Section [] in that it [has no railing] and is thereby in unsafe condition;
- C. Section 17 and 258 of the Community Charter empower the municipality to recover the expense of itself doing any work in default of a person directed to do that work as a debt, and after December 31 of that year, in the same manner as Municipal taxes;

THEREFORE BE IT RESOLVED THAT:

- 1. The owner, tenant or occupier of the land is hereby directed to [e.g. install a railing on the sundeck at the rear of the dwelling situated on the land] in accordance with Building Bylaw No. 731, 2000, Section [] and the B.C. Building Code, Section [] at the expense of the owner, tenant, or occupier within thirty days of the date of the notice sent to the owner, tenant or occupier.
- 3. The owner, tenant or occupier of the land shall be given at least 30 days notice of the intention of the Council to carry out the remedial action. Notice shall be sent to the owner, tenant or occupier by registered mail at the owner's address shown on the last revised assessment roll, or any other more recent address which the owner has given to the Municipality, together with a copy of this resolution, relevant sections of Building Bylaw No. 731, 2000 and the B.C. Building Code, and a copy of Sections 72-80 of the Community Charter in order to inform the owner of the right of appeal against this resolution.
- 4. The thirty (30) days' notice shall commence to run on the date of delivery of the notice by the Post Office or on the last date that delivery was attempted, if unsuccessful.

5. At the expiration of 30 days' notice, if no appeal has been filed, and if the owner, tenant or occupier has failed to carry out the work directed to be done by this bylaw, the District of Fort St. James by its employees or contractors is authorized to enter upon the land and to carry out the work. The expense of the work, together with the costs if unpaid by December 31st in the year in which the work was done, shall be recovered, from the owner of the land in the same manner as municipal taxes.

Moved by Councillor _____ and seconded by Councillor _____ that the resolution be adopted.
Carried.

I hereby certify the foregoing to be the Original True Copy of Council Resolution No. _____,
adopted [date].

Administrator

[Date]

[Owner/Occupier/Tenant]

[Address]

REGISTERED MAIL

Dear []:

RE: Bylaw Violation (Address)

Take notice that the Council of the District of Fort St. James has passed Bylaw No. 731, 2000, a copy of which is enclosed with this letter together with sections 72-80 of the Community Charter.

Pursuant to the bylaw we advise that unless you, the owner of [legal description], take the remedial action ordered by the bylaw within 30 days of receipt of this letter by you, the Municipality shall, in default of such action, enter upon the property and effect the work by its workmen and others, at your expense. Receipt of this letter by you will be assumed to be four (4) days from the date of this letter.

The charges made by the Municipality for the work, if done by the Municipality, if unpaid by you on the 31st day of December in the year in which the Municipality effects the work, shall be recovered from the owner in the same manner as municipal taxes.

This Notice is given by and on behalf of the District of Fort St. James.

Yours truly,

Administrator

c.c. [registered mortgagees]