

ABANDONED PROPERTIES BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate and impose requirements for the safeguarding and security of abandoned or unoccupied buildings.

Contents

PART 1 – INTRODUCTION

- 1 Title
- 2 Definitions
- 3 Severability

PART 2 – REGULATIONS

- 4 Securing abandoned property
- 5 Securing abandoned property damaged by entry or occupation

PART 3 – ENFORCEMENT

- 6 Inspection and notice
- 7 Fees for attendance
- 8 City's work if owner defaults
- 9 Offences and penalties

Schedule A – Fees

Under its statutory powers, including sections 8(3)(l), 16, 17, 53, 258, 260, and 263 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "ABANDONED PROPERTIES BYLAW".

Definitions

- 2 In this Bylaw

"abandoned property"

means a building, structure or improvement which has remained unoccupied by its owner, tenant, or other lawful occupier for a continuous period of over 30 days;

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

“Building Inspector”

means the person to whom the City has assigned the responsibility for administering its building regulation bylaws, and that person’s deputy or designated representative;

“Inspector”

includes all of the following persons:

- (a) Building Inspector;
- (b) Bylaw Officer;
- (c) officer, employee, or representative of the City, appointed under this Bylaw;
- (d) peace officer;
- (e) local assistant to the Fire Commissioner.

“owner”

has the same meaning as defined in the *Community Charter*;

“property”

means all real property, including but not limited to buildings, structures, and improvements located on real property.

"unoccupied"

means that

- (a) a building, structure or improvement is no longer used by the owner, tenant or other lawful occupier thereof for its accustomed and ordinary purpose for more than thirty days; and
- (b) there is no apparent intention on the part of the owner, tenant or other lawful occupier to resume occupancy of that building, structure or improvement.

Severability

- 3** Each provision of this Bylaw is intended to be independent to the extent that the setting aside of the provision by a court does not affect the validity of the remaining provisions.

PART 2 – REGULATIONS

Securing abandoned property

- 4** The owner of property that is or will become abandoned property must ensure that the property is secured against unauthorized entry or occupation, vandalism, or other intentional damage or fire hazard by doing one or more of the following:
- (a) affixing structural barriers to windows and other points of ingress using materials and installation that are effective in precluding easy entry;
 - (b) installing security fencing or other perimeter barriers;
 - (c) installing a security lighting system which does not impact neighbouring properties;
 - (d) installing a security alarm system;
 - (e) employing security or guard patrols on a frequent and periodic basis;
 - (f) utilizing or installing other security measures or devices that are satisfactory to the Inspector.

Securing abandoned property damaged by entry or occupation

- 5** The owner of abandoned property that has been damaged because of unauthorized entry or occupation must:
- (a) make the repairs that are necessary as a result of the damage,
 - (b) install or take one or more of the security measures described in section 4 for the purpose of securing the property against further unauthorized entry, occupation, and damage.

PART 3 – ENFORCEMENT

Inspection and notice

- 6** (1) Subject to the requirements of section 16 of the Community Charter, an Inspector may enter property at any reasonable time and in a reasonable manner for the purpose of inspecting and determining whether
- (a) the property is abandoned property,
 - (b) the owner has fulfilled the requirements of section 4 or 5,
 - (c) the owner has fulfilled the requirements of a notice under subsection (2).
- (2) An Inspector may notify an owner of the requirement to secure property in accordance with section 4, or to repair and secure property in accordance with section 5, if the Inspector determines that

- (a) the property is abandoned property,
 - (b) the abandoned property has not been secured in accordance with section 4, or
 - (c) the abandoned property has not been repaired and secured in accordance with section 5.
- (3) An owner who receives a notice under subsection (2) must fulfill the notice's requirements to secure or repair the abandoned property within ten (10) days of receiving the notice.
- (4) Within fourteen (14) days of the service of a notice under subsection (2) an owner may request a hearing by the City's Private Property Maintenance Committee established under the Property Maintenance Hearing Delegation Bylaw.
- (5) Upon the conclusion of a hearing under subsection (4) the Private Property Maintenance Committee may:
- (a) confirm the requirements of the notice under subsection (2);
 - (b) extend the time in which the owner must undertake the action required by the notice given under subsection (2); or
 - (c) where the Private Property Maintenance Committee determines it is appropriate to do so, vary the action required to be taken by the owner and establish time limits within which the person appealing must undertake the action.

Fees for attendance

- 7 (1) Immediately on receiving an invoice from the City, an owner must pay to the City all fees, as set out in Schedule A, for investigation and inspection of the owner's abandoned property by an Inspector, personnel of the City's Fire Department, or other City personnel, if that abandoned property has not been secured in accordance with this Bylaw.
- (2) A fee under subsection (1) that is unpaid on December 31 in the year in which it is imposed must be added to and collected in the same manner as the City's property taxes.

City's work if owner defaults

- 8 (1) The City and its employees, agents, and contractors may enter, and secure or repair abandoned property in accordance section 4 or 5 if the owner fails to fulfill the requirements of a notice under section 6(2), and
- (a) that person has not requested a hearing before the Private Property Maintenance Committee within fourteen (14) days of the service of the notice;

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

- (b) the Private Property Maintenance Committee, acting under its authority in section 6(5)(a), has confirmed the requirements of the notice;
 - (c) the Private Property Maintenance Committee has not extended the time in which the owner is required to comply with the action required by the notice given under section 6(2); or
 - (d) the Private Property Maintenance Committee, acting under its authority in section 6(5)(c), has not varied the action required to be taken by the owner.
- (2) Immediately on receiving an invoice from the City, an owner to whom subsection (1) applies must reimburse the City for its expenses incurred as a result of work performed under subsection (1).
 - (3) An amount that is owed by an owner under subsection (2) and that is unpaid on December 31 in the year in which it is imposed must be added to and collected in the same manner as the City's property taxes.

Offences and penalties

- 9 (1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw and the *Offence Act*.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.
- (3) The minimum penalty for a contravention of this Bylaw is a fine of
 - (a) \$2,000 for a first offence;
 - (b) \$3,000 for a second or subsequent offence.

READ A FIRST TIME the	26 th	day of	June,	2008
READ A SECOND TIME the	26 th	day of	June,	2008
READ A THIRD TIME the	26 th	day of	June,	2008
ADOPTED on the	10 th	day of	July,	2008

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A

Fees

Work For Which Fee Is Imposed	Amount of Fee
Initial investigation and inspection of property, including attendance by inspector	\$250
Initial building inspection	\$250
Building permit authorizing remediation	Fee set out in Building Bylaw

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.