NO. 09-045

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to update and amend the Property Maintenance Hearing Delegation Bylaw as a result of changes in the City’s governance structure, to:

(a) delegate the authority previously given to the Private Property Maintenance Committee to the Standing Committee on Planning and Land Use;
(b) cross-reference specifically the power of the Committee to make decisions under the Property Maintenance Bylaw in relation to graffiti and unsightly conditions on property;
(c) delegate to the Committee the authority to authorize the filing of a notice in the land title office in relation to property that contravenes building regulations;
(d) delegate to the Committee the holding of hearings, and the making of recommendations to Council, in relation to property that is unsafe or is to be declared to be a nuisance;
(e) provide for Council’s reconsideration of decisions of the Committee.

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Under its statutory powers, including sections 8(3)(h) & (l), 17, 64, 72 to 74, and 154 to 156 of the Community Charter, the Council of the Corporation of the City of Victoria enacts the following provisions:

Title

1 This Bylaw may be cited as the “PROPERTY MAINTENANCE HEARING DELEGATION BYLAW”.

Definitions

2 In this Bylaw, “Committee” means the standing committee of Council known as the Standing Committee on Planning and Land Use.
Committee

3 (1) In order to exercise its authority under this Bylaw, the Committee must be composed of at least 3 Council members.

   (2) The quorum for the Committee is a majority of its members.

Hearings

4 The common law or statutory duty of Council to hold a hearing in relation to action that is proposed to be taken under the following sections of the Community Charter, or bylaws adopted by the Council under these sections, is delegated to the Committee:

   (a) section 57 of the Community Charter [note against land title that building regulations contravened];

   (b) section 64(d), (f), (i), and (k) of the Community Charter [graffiti and unsightly conditions on property];

   (c) section 6(a) of the Property Maintenance Bylaw [removal of graffiti];

   (d) section 6(b) of the Property Maintenance Bylaw [removal of refuse & other matter];

   (e) section 6(c) of the Property Maintenance Bylaw [removal of trees, weeds, and other growths].

Decisions

5 The authority of Council to make a decision under the following sections of the Community Charter, or bylaws adopted in accordance with these sections, is delegated to the Committee:

   (a) section 57 of the Community Charter [note against land title that building regulations contravened];

   (b) section 64(d), (f), (i), and (k) of the Community Charter [graffiti and unsightly conditions on property];

   (c) section 6(a) of the Property Maintenance Bylaw [removal of graffiti];

   (d) section 6(b) of the Property Maintenance Bylaw [removal of refuse & other matter];

   (e) section 6(c) of the Property Maintenance Bylaw [removal of trees, weeds, and other growths].
Reports to Council on remedial action requirements

6 Before Council imposes a remedial action requirement under section 72 to 74 of the Community Charter, the Committee may receive and consider information from City staff in relation to the proposed remedial action requirement, and make recommendations to Council.

Procedures

7 (1) The following procedures apply to meetings and decisions of the Committee under sections 4, 5, and 6:
   
   (a) a person who may be subject to a decision of the Committee must be given advance notice in writing of the meeting at which the Committee will consider the matter;
   
   (b) a person given notice under section 7(1)(a) must be given an opportunity to make representations to the Committee.

   (2) A decision of the Committee under section 5 or 6 is effectively made by a quorum of the members of the Committee who held the hearing preceding the decision.

Repeal

8 Bylaw No. 04-64, the Property Maintenance Hearing Delegation Bylaw is repealed.

READ A FIRST TIME the 25th day of June, 2009
READ A SECOND TIME the 25th day of June, 2009
READ A THIRD TIME the 25th day of June, 2009
ADOPTED on the 9th day of July, 2008

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR

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.