

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.

Contents

| | |
|---|--|
| 1 | Title |
| 2 | Definitions |
| 3 | Committee |
| 4 | Hearings |
| 5 | Decisions |
| 6 | Reports to Council on remedial action requirements |
| 7 | Procedures |
| 8 | Repeal |

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