

BY-LAW NO. 9

MAINTENANCE AND OCCUPANCY STANDARDS FOR RESIDENTIAL PROPERTIES BY-LAW

The Council of the Village of Salisbury under authority vested in it by subsection (1) of section 95 of the Municipalities Act, enacts as follows:

Title

1. This By-law may be cited as the Residential Properties Standards By-law.

Interpretation

2. In this By-law,
 - (a) maintenance officer means the maintenance officer appointed under section 5; and
 - (b) notice means a notice under clause (a) of section 7.

Scope

3. The purpose of this By-law is
 - (a) to establish standards to govern the condition, occupancy and maintenance of residential properties; and
 - (b) to provide safeguards for the safety, health and welfare of occupants and users of residential properties by requiring owners thereof to repair and maintain such property in accordance with established standards.

Adoption of Code

4. The Maintenance and Occupancy Code for Residential Properties, approached by the Lieutenant-Governor in Council pursuant to section 94 of the Act, is adopted by reference.

Appointment of Maintenance Officer

5. The Council shall appoint a maintenance officer who shall exercise such powers and perform such duties as are provided for herein.

Duty of Owner

6. The owner of residential property shall
 - (a) repair and maintain such property in accordance with standards set out in the code adopted by section 4, whether or not a notice has been served or sent under section 7; and

- (b) where a notice has been received by him, repair such property as delineated in the notice within the time limit prescribed therein.

Notices

- 7. Where the owner of residential property fails to repair or maintain such property in accordance with the requirements of clause (a) of section 6, the maintenance officer may
 - (a) by written notice served personally on or sent registered mail to such owner, delineate work required to repair such property and the time limit within which the work is to be carried out; or
 - (b) if in his opinion it would not be economic to repair a dwelling, accessory building or fence forming part of such property, recommend that the Council take action to require demolition or removal of such dwelling or accessory building.

Enforcement

- 8.
 - (1) A notice sent by registered mail is deemed to be received by the addressee upon the expiration of four days after the day on which it was registered in an envelope with postage prepaid and addressed to such person at his last know address.
 - (2) Proof of service of a notice under clause (a) of section 7 may be by a certificate or an affidavit purporting to be signed by the maintenance officer naming the person on or to whom the notice was served or sent and specifying the time, place and manner thereof.
 - (3) A document which purports to be certificate or an affidavit that the notice was given in the manner provided herein shall
 - (a) be admissible in evidence without proof of the signature; and
 - (b) be conclusive proof that the person named in the certificate or affidavit received notice of the matters referred to therein.
 - (4) In a prosecution for an offence hereunder when proof of the giving of notice is made as prescribed herein, the burden of proving that he is not the person named or referred to in the certificate or affidavit shall be upon the person charged.
 - (5) A notice given hereunder and purporting to be signed by the maintenance officer shall
 - (a) be received in evidence by any court in the province without proof of the signature thereon;
 - (b) be prima facie evidence of the repairs required thereby and time limit prescribed therein; and

- (c) on the hearing of an information for a violation of the provisions of clause (b) of section 6, be prima facie evidence that the person named therein is the owner of the premises in respect of which the notice was given.

9. A person who contravenes any provision of this By-law is guilty of an offence and is liable on summary conviction to a fine of

- (a) fifteen dollars, in the case of the contravention of the provisions of clause (a) of section 6; or
- (b) not less than twenty-five and not more than one hundred dollars, in the case of the contravention of the provisions of clause (b) of section 6.

READ FIRST TIME: August 27, 1973

READ SECOND TIME: August 27, 1973

READ THIRD TIME

AND ENACTED: September 3, 1973