



Portugal Cove St. Philip's

POLICY AND PROCEDURE

POLICY: UNTIDY PROPERTIES POLICY

RELEVANT TO: PLANNING AND DEVELOPMENT DEPARTMENT

ISSUED BY: TOWN OF PORTUGAL COVE-ST. PHILIP'S

1.0 TITLE:

This document shall be known and cited as the *Untidy Properties Policy*.

2.0 INTERPRETATION:

- 2.1 *"Council"* - duly elected Council of the Town of Portugal Cove-St. Philip's.
- 2.2 *"Committee"* - Planning and Development Committee of Council.
- 2.3 *"Management"* - Chief Administrative Officer and/or the Director of Planning and Development.
- 2.4 *"Municipalities Act"* - Municipalities Act, 1999, SNL 1999, c. M-24, as amended.
- 2.5 *"Occupancy and Maintenance Regulations"* - Occupancy and Maintenance Regulations under the Urban and Rural Planning Act (O.C. 96- 201), as amended.
- 2.6 *"Town"* - Town of Portugal Cove-St. Philip's as incorporated under the Municipalities Act.
- 2.7 *"Untidy Property"* - a privately owned property that has been deemed unsafe and/or not in good condition and repair in accordance with the standards set out in the Occupancy and Maintenance Regulations and/or as otherwise ordered and directed by the Town in accordance with the Municipalities Act, the Town of Portugal Cove-St. Philip's Municipal Plan, the Town of Portugal Cove- St. Philip's Development Regulations, and the Town of Portugal Cove-St. Philip's Litter, Garbage and Refuse Regulations (all as amended).

2.8 *“Urban and Rural Planning Act”* - Urban and Rural Planning Act, 2000, SNL 2000, c. U-8, as amended.

3.0 POLICY STATEMENT:

The purpose of this policy is to provide guidance for managing the resolution of Untidy Properties identified within the Town.

4.0 APPLICATION:

This policy shall apply to Staff, Council, and the Public regarding resolution of Untidy Properties.

5.0 POLICY PROCEDURE:

5.1 An Untidy Property may be identified by Staff or reported by a member of Council or the Public.

5.2 Once identified, the Untidy Property will be assigned an initial criticality level, as follows, with updates as additional information becomes available:

Criticality 1 - Very Low

- Untidy Properties that have minor potential to cause public interest concern.
- Unresolved Untidy Properties which Council has advised Staff that no further action is required.

Criticality 2 - Low

- Untidy Properties identified by Staff with potential for public interest concern.

Criticality 3 - Medium

- Untidy Properties that have been reported by the Public.
- Untidy Properties that have been identified by Council and/or Management as being of moderate public interest concern.

Criticality 5 - Very High

- Safety, environmental, etc. implications are present and require immediate attention as identified by Council and/or Management.

5.3 Staff will contact the property owner to discuss the Untidy Property and request that a corrective action plan be submitted to the Town in writing.

- i. If the property owner provides a corrective action proposing completion of the requested work within a period of thirty (30) calendar days or less, Staff will work with the property owner to resolve the matter.
- ii. If the corrective action plan proposes a time period greater than thirty (30) calendar days for completion, the matter will be referred to Management for direction on how to proceed.

- 5.4 If the property owner provides a corrective action plan that is accepted by the Town, Staff will contact the property owner after the deadline has passed to discuss compliance with the corrective action plan.
- i. If the property owner indicates that they have complied with the corrective action plan, a site visit will be scheduled with the property owner to confirm that the work has been completed to the Town's satisfaction. If so, the property owner will be provided with correspondence from Staff confirming the same and the file will be closed.
 - ii. If the property owner indicates that the corrective action plan has not been complied with, or a site visit confirms that the work was not completed to the satisfaction of the Town, the property owner will be requested to provide a second corrective action plan.
- 5.5 If a second corrective action plan is required, the property owner refuses to provide a corrective action plan, or if Staff are unable to contact the property owner, the Untidy Property will be added to the next Committee agenda for direction on how to proceed.

- i. If a property owner provides a second corrective action plan that proposes completion of the requested work within thirty (30) calendar days or less, the item will be added to the Committee agenda for discussion/information.
- ii. Where no corrective action plan is provided by the property owner, a corrective action plan requires more than thirty (30) calendar days for completion, or if Staff are unable to contact the property owner, the Committee may discuss the possibility of Council issuing an Order in accordance with the *Municipalities Act* and *Urban and Rural Planning Act*.

Prior to the Committee having this discussion, correspondence will be forwarded to the property owner advising that the item will be added to the Committee's agenda for discussion and an opportunity will be given to the property owner to provide additional information/representations that Council may wish to consider prior to making a decision on the matter.

An Order will generally grant thirty (30) calendar days for a property owner to rectify an issue; however, consideration may be given, at Council's discretion, to expedite compliance where public interest concerns exist, or consideration may be given, at Council's discretion, to allow a longer time based on details provided in the corrective action plan.

- 5.2 If an Order is issued, and after the Order deadline has passed, Staff will contact the property owner to discuss the status of compliance. If the property owner indicates that they have complied with the Order, a site visit will be scheduled with the property owner to confirm. Upon completion of the site visit, or if the property owner indicates that they have not complied with the Order, this

information will be added to the next Committee agenda for discussion.

i. If the Committee determines that the Order has been complied with, a recommendation will be made to Council to issue correspondence to the property owner advising of the same, and of any applicable fee(s) required in accordance with the Town's Tax Structure and Schedule of Fees current at that time so that the Order may be revoked by Council.

ii. If the Committee determines that the Order has not been complied with, the Committee may make a recommendation that Council engage the Town's Solicitor for further actions which may be undertaken as authorized by the *Municipalities Act* and/or the *Urban and Rural Planning Act*.

5.3 If work required to carry out an Order is completed by the Town, the Order may be revoked by Council upon payment of any debt owing and any other applicable fees as per the *Municipalities Act*, the *Urban and Rural Planning Act* and the *Town's Tax Structure and Schedule of Fees*.

5.4 If at any point the property owner resolves the Untidy Property prior to an Order being issued, the matter will be recorded as resolved. If an Order has been issued, the matter will be added to the next Committee agenda for discussion.

6.0 REPEALS:

This policy rescinds all previous policies on this subject matter.

7.0 AMENDMENTS:


No. 1 Motion # 2023-366 Date: December 19, 2023

8.0 RESOLUTION:

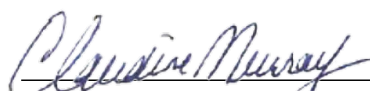
8.1 Pursuant to the authority vested in the Town Council of Portugal Cove- St. Philip's, Council has adopted by Resolution the above referenced Policy on the 18th day of October, 2022.

8.0 Resolution # 2022-323

8.1 Effective Date: 18th day of October, 2022.



Carol McDonald, Mayor



Claudine Murray, Town Clerk