CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NO. 3995-2023

A BY-LAW to amend By-law 2801-2004 being a by-law to provide standards for the maintenance and occupancy of Urban and Rural property within the Township of Montague.

NOW THEREFORE be it enacted by the Council of the Corporation of the Township of Montague as follows:

1. Section 8 is hereby amended to include:

INSPECTION OF PROPERTY WITHOUT WARRANT

8.2.2   Where a by-law under section 15.1 of the Building Code Act, S.O.1992 c23 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
(a) whether the property conforms with the standards prescribed in the by-law; or
(b) whether an order made under subsection (2) has been complied with.

CONTENTS OF ORDER

8.2.3.   An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,
(a) stating the municipal address or the legal description of the property;
(b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
(c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
(d) indicating the final date for giving notice of appeal from the order.

SERVICE AND POSTING OF ORDER

8.2.4 The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

APPEAL OF ORDER

8.2.5   An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.

CONFIRMATION OF ORDER

8.2.6 An order that is not appealed within the time referred to in subsection 8.2.5 shall be deemed to be confirmed.

DUTY OF COMMITTEE
8.2.7 The committee shall hear the appeal.

POWER OF MUNICIPALITY IF ORDER NOT COMPLIED

8.2.8 If an order of an officer made under section 15.2 (2) of the Building Code Acts is not complied with in accordance with the order as deemed

confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.

Ref: BCA 15.4 (1)

WARRENTLESS ENTRY

8.2.8 (a) For the purpose of subsection 8.2.8 employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

Ref: BCA 15.4 (2)

NO LIABILITY

8.2.8 (b) A municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection 8.2.8.

Ref: BCA 15.4 (3)

Lien

8.2.8 (c) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection 8.2.8 and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001.

Ref: BCA 15.4 (4)

2. Insert Schedule A with Part 1 of the Provincial Offences Act as noted below:

ITEM	SHORT FORM WORDING	SECTION	SET FINE
1	Failure to comply with S. 15.9(4) Order to Remedy Unsafe Building dated;	S. 36(1)(b)	$ 1,000.
2	Fail to comply with S. 15.2(2) Order to Comply dated;	S. 36(1)(b)	$ 500.

The penalty provision for the offences indicated above is Section 36(1) of the Building Code Act, 1992, Chapter 23, as amended.

3. That this By-Law shall come into full force and effect upon passing.

PASSED, SIGNED & SEALED THIS 6th DAY OF JUNE 2023.

_____   _____
Reeve   **Clerk**