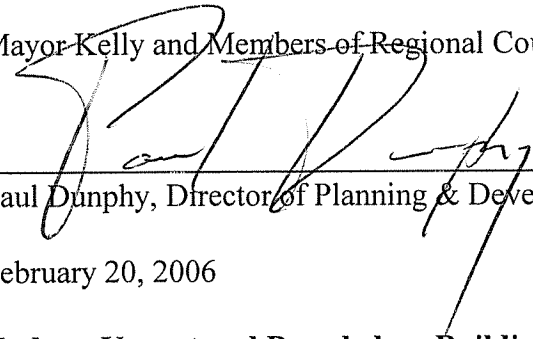




PO Box 1749
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Halifax Regional Council
March 7, 2005

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: February 20, 2006

SUBJECT: Update -Vacant and Boarded up Buildings

INFORMATION REPORT

ORIGIN:

- June 26, 2001-- Council requests a staff report clarifying the time frame that a building can remain boarded up and the feasibility of creating a by-law to deal with vacant and boarded up buildings.
- May 20, 2003 -- staff report indicates that no time limit exists for vacant or boarded up buildings. Council requests an information report on revisions to the MGA.
- December 2, 2003 -- Council approved a staff recommendation to request amendments to the MGA.
- May 5, 2004 -- the Provincial Legislature adopts amendments to the MGA.
- October 25, 2005 -- Council approved a staff recommendation to request further amendments to the MGA in order to be effective.
- February 10, 2006 -- The Provincial Legislature adopts additional amendments to the MGA (Attachment A).

BACKGROUND:

Council has sought to create a vacant building by-law that would enable the municipality to encourage occupancy of vacant buildings in a blighted condition. Previously approved amendments to the MGA, municipal authority through the Residential Occupancy Standards By-law (M-100) and

authority through the Dangerous and Unightly legislation were considered insufficient to achieve this objective.

Initially HRM requested that the Province grant the Municipality authority to expropriate vacant buildings without compensation. Expropriation without compensation is a very drastic infringement on property rights which the Province was not prepared to confer on the Municipality. Consequently, staff initiated further meetings with the Province to discuss expanding the Municipality's expropriation authority with the requirement that property owners receive compensation. As a result, Council directed staff to proceed with a request to make the appropriate amendments to the MGA. Amendments to the MGA, including the ability to expropriate vacant buildings with compensation, were approved by the Province on February 10, 2006 (Attachment A).

DISCUSSION:

While awaiting the legislation to be proclaimed, staff prepared a draft by-law which will now be reviewed by the By-law Rationalization Working Group. In addition to reviewing the by-law, this group will also review the administrative processes and financial implications of implementing the by-law. Upon completion of this review, staff will present the by-law to Council for discussion and direction. It should be noted that exercising the new expropriation powers will have a financial impact on the Municipality.

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

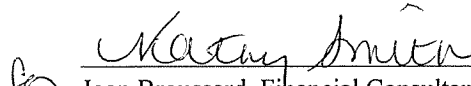
ATTACHMENTS:

Attachment A -- Approved Amendments to the *Municipal Government Act* to authorize a "Vacant Dwelling" by-law in HRM.

Attachment B – Concept Vacant building By-law forwarded to By-law Rationalization Working Group for consideration

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Shayne Vipond, Planner, 490-4335

Financial Review: 
 for Joan Broussard, Financial Consultant, 490-6267

Attachment A

**Approved Amendments to the *Municipal Government Act* to authorize a “Vacant Dwelling”
by-law in HRM**

Bill 256

Clause 11 gives a new power to the Council of Halifax Regional Municipality to acquire vacant properties that have been boarded up longer than the time permitted in a by-law of the Municipality. Notice to the owner and an opportunity to be heard is to be provided. Where the owner refuses to sell the property, the powers of expropriation may be used and the Council may spend the money required to acquire the property and improve it.

11 Chapter 18 is further amended by adding immediately after Section 536B the following Section:

536C (1) In this Section, "vacant building" does not include a seasonal dwelling.

(2) The Council of the Halifax Regional Municipality may acquire a property that contains a vacant building if the building is boarded up for a period of time that exceeds the length of time that it may be boarded up under a by-law made pursuant to subclause 172(1)(ja)(iii).

(3) Before deciding to acquire a property under subsection (2), the Council shall provide seven days' notice in writing to the owner, setting out the date, time and place of the meeting at which the decision to acquire the property will be discussed, and the owner must be given an opportunity to appear and be heard before any order is made.

(4) Notice under subsection (3) must be provided by service upon the owner or by posting the notice in a conspicuous place upon the property.

(5) Where the owner refuses to sell the property, the Council may exercise the power of expropriation under Section 52 to acquire the property.

(6) The Council may spend money under Section 65 to acquire the property and improve it.

Attachment B

Concept Vacant Building By-law forwarded to By-law Rationalization Working Group for Consideration

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER V-???

RESPECTING VACANT AND BOARDED UP BUILDINGS

BE IT ENACTED by the Council fo the Halifax Regional Municipality as follows:

Title

1. This by-law may be cited as By-law V-???, “Vacant and Boarded up Building By-law” made pursuant to subclause 172(1)(ja)(iii) of the MGA.

Definitions

2. In this By-law:
 1. “**Owner**” means the owner the property as they appear on the assessment role
 - (b) “**Building**” means a vacant and boarded up building except where identified under exemptions
 - (c) “**Municipality**” means the Halifax Regional Municipality
 - (d) “**Council**” means Halifax Regional Council
 - (e) “**Boarding Period**” means the period commencing with the first notification by the municipality that the building is in a vacant and boarded-up state, ending when the building is either removed or refurbished to a habitable state.

Application of By-law

3. Where a building remains vacant for more than 180 continuous days, the Municipality may acquire that property provided that:
 - a) the owner has been notified at the commencement of the 180 day period;
 - b) the owner is provided at least 7 days notification of the location and time of the hearing to be held by Council to consider the matter;

- c) the owner is provided opportunity to appear and to be heard before Council makes a decision to acquire the property.

Owner Notification

4. Notification shall include:

- a) notice served upon the owner; or
- b) notice posted in a conspicuous place upon the property.

Exemptions

5. Buildings used for seasonal purposes including:

- a) cottages and other recreational dwelling units and accessory buildings;
- b) other temporary recreational facilities.

“Boarding” Standards

6. A building which is boarded up must meet the following minimum standards for boarding:

- a) panel type material not less than 3/4" must be used to secure all openings within 10' of the adjacent grade;
- b) panels used to secure openings must be secured with not less than 2" #8 screws spaced a minimum of 16" on centre around the perimeter of the panel;
- c) panels used to secure openings must be painted or otherwise “treated” so as to prevent deterioration;
- d) the remainder of the building must be maintained so as not to be in an “unsightly” condition.

Access during the Boarding Period

7. During the *Boarding Period* and provided 24 hours notice is provided, HRM staff must be permitted access to the building to assess its condition and ensure compliance with this and other applicable laws.

Compliance with Other Laws

8. Nothing contained in this by-law relieves an owner from their obligation to comply with any other Act, Regulation, or by-law.