

Town of Truro – Bylaws

Subject: Vacant Building Registry By-law
Bylaw Number: B160-013
Approval Date: May 11, 2015
Departments: Planning Department

Title

1. This By-law may be cited as the "Vacant Building Registry By-law".

Definitions

- 2.1 In this By-law:

“Building” means a structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment, but does not include a mobile building or vehicle.

"By-law Enforcement Officer" means the By-law Enforcement Officer for the Town of Truro;

“Owner” includes, but is not limited to:

- (a) The registered owner of the property on which a building is situated;
- (b) The owner of a building;
- (c) The person managing or receiving the rent of the property on which a building is situated or of a building, or who would receive the rent if the property or building were let, whether on the person's own account or as agent or trustee or receiver of any other person;
- (d) A vendor of a building under an agreement for sale who has paid any municipal taxes on the building after the effective date of the agreement;
- (e) The person for the time being receiving instalments of the purchase price if a building were sold under an agreement for sale; and
- (f) A lessee or occupant of the property on which a building is situated who, under the terms of a lease, is required to repair and maintain the building;

"Person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

"Property" means the land on which a building is situated and includes the building; and,

"Vacant building" means a building that is not being used or occupied for a period exceeding 90 consecutive days, but does not include:

- (a) A building that is owned by the Town;
 - (b) A residence that is occupied by the owner on a seasonal basis, for a total of at least 180 days in each calendar year;
 - (c) A building that is listed for sale with a person licensed to trade in real estate under the *Real Estate Trading Act* (Nova Scotia) or is marketed for sale through a private sale realty business such as Property Guys, For Sale By Owner, Viewpoint or other similar business;
 - (d) An accessory building located on the same site as the main building if the main building is being used or occupied.
- 2.2 For the purposes of this By-law, a building is not being used or occupied solely by reason of:
- (a) The presence of individuals in the building without the consent of the owner;
 - (b) The existence of equipment or stock in trade in a building or the occasional operation of such equipment.

Application

3. This By-law applies to all buildings in the Town of Truro.

Registration

4. Every owner of a vacant building shall register the vacant building with the Town of Truro Planning Department within 30 days of the date this By-law comes into force.
5. Every owner of a vacant building that becomes vacant after the date this By-law comes into force shall register the vacant building with the Town of Truro Planning Department within 30 days of the date the vacant building becomes vacant.
6. Every registration expires:
- (a) On the one year anniversary date of the date on which it is issued if the registration is not renewed before its expiry;
 - (b) When the vacant building is sold or otherwise transferred to a new owner;
 - (c) When the By-law Enforcement Officer is satisfied, as set out in a written notice from the By-law Enforcement Officer to the owner of the vacant building, that the building is no longer vacant.
7. To register or to renew a registration, the owner of a vacant building shall:
- (a) Complete and submit to the By-law Enforcement Officer an application containing such information as the By-law Enforcement Officer may require; and
 - (b) Submit a fee of \$25, unless the owner demonstrates to the satisfaction of the By-Law Enforcement Officer that paying the \$25 fee would be a financial hardship.
8. If the owner pays a fee of \$25 under section 7(b), and the building ceases to be vacant before the registration of the building expires or is renewed, the Town shall repay the \$25 fee to the owner.

9. Every owner of a vacant building shall notify the By-law Enforcement Officer of any change in circumstances in connection with information given to the By-law Enforcement Officer under section 7 within 14 days after the change occurs.
10. The By-law Enforcement Officer shall refuse an application under section 7 when the application is incomplete or contains false or misleading information.

Regulations

11. Every owner of a vacant building shall:
 - (a) Ensure that the vacant building is registered in accordance with this By-Law;
 - (b) Ensure that the property complies with all applicable federal, provincial and municipal statutes, regulations and by-laws, including but not limited to the Building Code Act, the Fire Safety Act and the Minimum Building and Housing Maintenance Standards By-law;
 - (c) Satisfy the By-law Enforcement Officer that an individual retained by the owner attends at the property to monitor the building condition a minimum of once every 2 weeks or more frequently as required in writing by the By-law Enforcement Officer; and
 - (d) Provide a report from a qualified individual as to the condition of the building if ordered in writing to do so by a specified date by the By-law Enforcement Officer.

Administration and Enforcement

12. The By-law Enforcement Officer is authorized to administer and enforce this By-law including but not limited to prescribing the format and content of any forms or other documents required under this By-law.
13. The By-law Enforcement Officer may enter on a property, including a building, as permitted by s. 503(3) of the Municipal Government Act for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) This By-law;
 - (b) An order made under this By-law.
14. If the By-law Enforcement Officer is satisfied that an owner of a vacant building has failed to comply with section 11(c) of this By-Law, the By-law Enforcement Officer may make an order requiring the owner to comply with section 11(c).
15. An order under section 14 shall set out:
 - (a) The location of the property;
 - (b) The requirement that the owner satisfy the By-law Enforcement Officer that the owner has retained an individual to monitor the condition of the property at a minimum of once every 2 weeks, or more frequently if the order so specifies; and
 - (c) The date by which the owner must satisfy the By-Law Enforcement Officer that the owner has complied with section 11(c).

16. An order made under section 11(d) or section 14 may be served by registered mail to the last known address of the owner of the property where the contravention occurred.
17. In addition to service in accordance with section 16, an order made under section 11(d) or section 14 may be served by the By-law Enforcement Officer posting the order in a conspicuous place on the property to which the order relates.
18. Where service cannot be given in accordance with section 16, sufficient service is deemed to have taken place when given in accordance with section 17.
19. Where a person does not comply with an order under this By-law, the By-law Enforcement Officer, with such assistance by others as may be required, may carry out the order at the person's expense.
20. The costs incurred by the Town of carrying out an order under section 19 constitute a first lien on the property to which the order relates.
21. Every person who contravenes any provision of this By-law is guilty of an offence punishable on summary conviction by a fine of not less than \$250 and not more than \$1,000.