

Relevant sections of the *Community Charter*

Chapter 26, Part 2, Division 1 of the *Community Charter* identifies the **Purposes and Fundamental Powers** of a municipality in British Columbia including;

(8) As examples, the powers to regulate, prohibit and impose requirements under this section include the following powers:

- (c) to require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement.

Chapter 26, Part 2, Division 12 of the *Community Charter* describes **Remedial Action Requirements**;

72 (1) A council may impose remedial action requirements in relation to

- (a) matters or things referred to in section 73 [*hazardous conditions*],
- (b) matters or things referred to in section 74 [*declared nuisances*], or (c) circumstances referred to in section 75 [*harm to drainage or dike*].

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

- (a) may be imposed on one or more of
 - (i) the owner or lessee of the matter or thing, and
 - (ii) the owner or occupier of the land on which it is located, and
- (b) may require the person to
 - (i) remove or demolish the matter or thing,

Hazardous conditions

73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;

(2) A council may only impose the remedial action requirement if

- (a) the council considers that the matter or thing is in or creates an unsafe condition,

Declared nuisances

74 (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
- (2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

Person affected may request reconsideration by council

78 (1) A person who is required to be given notice under section 77 (1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

Municipal action at defaulter's expense

17(1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may

- (a) fulfill the requirement at the expense of the person, and
- (b) recover the costs incurred from that person as a debt.
- (2) Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

Special fees may be collected as property taxes

258(1) This section applies to the following:

- (a) fees imposed, under this Act or the *Local Government Act*, for work done or services provided to land or improvements;
- (b) fees imposed under section 196 (1) (a) [*fire and security alarms systems*];
- (c) amounts that a municipality is entitled to recover for work done or services provided

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to land or improvements under any other provision of this Act or the *Local Government Act* that authorizes the municipality to recover amounts in the event of default by a person.

(2) An amount referred to in subsection (1)

(a) may be collected in the same manner and with the same remedies as property taxes, and

(b) if it is due and payable by December 31 and unpaid on that date, is deemed to be taxes in arrears.