



May 31, 2024

MEMO TO: Mayor and Members of Council

COPY TO: Darlene Joslin, City Manager
Tracey Steele, Commissioner of Community Services
Gus Galanis, Acting Commissioner of Planning and Infrastructure
Sherry Adams, Commissioner of Corporate and Financial Services
Stephen Huycke, Director of Legislative Services and City Clerk

FROM: Don Guy, Director of Community Standards

SUBJECT: Property Standards and Clean Neighbourhoods By-laws (SRCS.24.09)

Recommendation:

That the memo from the Director of Community Standards, Don Guy, dated May 31, 2024, regarding the Property Standards and Clean Neighbourhoods By-laws (SRCS.24.09) be received for information.

Background:

At the May 29, 2024 meeting of the Committee of the Whole, Council discussed SRCS.24.09, which proposed new Property Standards and Clean Neighbourhoods By-laws for approval. Though the discussion, two specific questions arose that require follow-up and are addressed herein.

Property Standards By-law No. 62-24 – Power of Entry for Inspection

The enabling legislation for a Property Standards By-laws is the Building Code Act (the “BCA”). The BCA defines “Property” as:

“a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property”.

Section 8.1 of the proposed Property Standards By-law mirrors section 15.2 of the BCA, which gives officers authority to enter “property” (as defined above to include buildings) without a warrant, for the purpose of inspecting the property to determine whether it conforms to the standards prescribed by the by-law and to determine whether an order has been complied with.

We have confirmed that the policy as written continues to be recommended with a minor administrative adjustment to capitalize the word “property” in the two instances that it appears uncapitalized in the proposed by-law. The Clerk can facilitate this administrative amendment to Section 8.1 in the version of the by-law produced for signing and incorporated into the Municipal Code.



It is important to note that as per the BCA, the power of entry into a building does not include any part of the building considered a dwelling or dwelling unit used for human habitation. It is also important to note that while the enabling legislation and the Property Standards By-law provide for this power of entry, it would only ever be used in specific cases necessary to ensure safety of people and property. By-law Officers are guided by an operating procedure for entry onto private property that prioritizes transparency and privacy rights.

Clean Neighbourhoods By-law No. 63-24 – Birdfeeder Maximum Height

The maximum height for birdfeeders of 1.8 metres (6 feet) has been removed from Section 3.8.2 of the attached version of the Clean Neighbourhoods By-law No. 63-24.