

# Region of Queens Municipality

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Region of Queens Municipality

May 10, 2011

Honourable John MacDonnell  
Minister of Service Nova Scotia and Municipal Relations  
P.O. Box 216  
Halifax, Nova Scotia  
B3J 2M4

**Re: Proposed Bill 41 Respecting An Act to Strengthen Municipal Restrictions on Dangerous and Unsightly Premises**

Dear Minister MacDonnell:

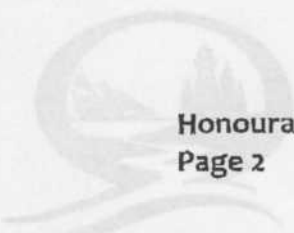
Council of Region of Queens Municipality is very concerned about the Province of Nova Scotia's introduction and seemingly quick passage of Second Reading to proposed Bill 41: Respecting an Act to Strengthen Municipal Restrictions on Dangerous and Unsightly Premises. This draft legislation as we understand it did not come from the Union of Nova Scotia Municipalities, nor has it been discussed broadly amongst municipalities throughout Nova Scotia.

The first proposed amendment adds "an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person" to the definition of dangerous or unsightly.

This clearly places more of a burden on every municipality to deal with complaints that are difficult to determine. For instance, if someone who operates a welding business stores all of their acetylene and other gas canisters in their garage which is their business location, which is out of site, municipalities will now have to deal with this as a dangerous complaint if a neighbour fears the canisters may explode someday and harm them. Compound this with the fact that anything that is hidden or stored away in an enclosed building will require a court order to enter the structure without the owner's permission. Further, a Bylaw Enforcement Officer or Peace Officer will be required to read them their rights prior to this if they intend to ask them any information that will be used against them to issue a Summary Offence Ticket or in court. Someone who operates a construction business and stockpiles gravel or a hardware store that stores lumber will now face unsightly complaints because someone feels it is unsightly to them. This is inappropriate, especially when all other zoning and land use bylaws may legalize these uses. It could easily be a way for someone to use this avenue to fight a re-zoning issue that they have battled in the past.

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The second proposed amendment will require public tabling of a report at least twice per year to Council describing the status of dangerous or unsightly property orders including remedial progress made regarding properties for which orders were issued. This requirement will mandate Council to publicly acknowledge many personal issues that prevent orders from being carried out in a timely manner by well-meaning citizens. Presently in Queens many of our orders against properties have owners with life threatening or serious illnesses occurring in the owner or the owner's family, where social economic issues are preventing a cleanup from taking place, and where legal difficulties make enforcement challenging. These are the facts that would need to be brought forward in a public Council meeting with the media present to update Council. Residents who are already feeling pressured from one public meeting before Council and have a legal order against them will no doubt feel like they are being bullied by the municipality. Additionally, public reporting will be akin to issuing a legal order for compliance and then publicly reporting updates concerning evidence that may be used to charge an offender or if a municipality plans to use certain evidence in court at a later date and the legal ramifications of pursuing various options. These issues should all be discussed *in camera*. This does not factor in the additional time burden for staff to compile this information and prepare a public report for each file which in some years in Queens could easily number between 25-30 files and would require special meetings to deal with this information that would take half a day to a full day to review several times a year.

This proposed legislation was seemingly drafted in haste without any consultation with most municipalities across Nova Scotia who deal with these issues on the ground everyday and their effect on neighbourhoods. Hopefully, this broad legislation isn't meant to help deal with one or two isolated issues in one municipality and is being applied unilaterally across all municipalities. Nova Scotia is mostly a rural province and the proposed changes will only serve to limit property development across this province with strict regulations that are not required.

Because of this, Region of Queens Municipality respectfully requests that Bill 41 respecting Dangerous and Unsightly Premises Amendment (2011) Act not be sent for third reading at this time and that Service Nova Scotia and Municipal Relations immediately undertake a comprehensive consultation with all of Nova Scotia's 55 municipalities concerning this proposed legislation to determine whether these amendments are necessary, desirable or enforceable.

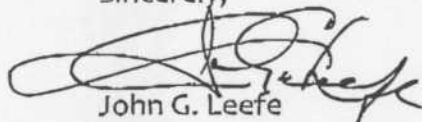
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We look forward to your prompt handling of this request in the interest of all Nova Scotians. If you require any further information, please feel free to contact me at your convenience.

Sincerely,



John G. Leefe  
Mayor

- c. Nova Scotia Mayors / Wardens
- Queens MLA, Vicki Conrad
- UNSM Executive Members
- Hon. Stephen McNeil, NS Liberal Leader
- Hon. Jamie Baillie, NS PC Leader
- Law Amendments Committee Members