

YAKWEAKWIOOSE FIRST NATION

VACANT AND DANGEROUS BUILDINGS LAW

FEBRUARY 2018



SYUWÁ:LELH - Stó:lō Laws

“S’ólh Téméxw te ikw’elo. Xolhmet te mekw’stam it kwelat”

This is Our Land, we have to take care of everything that belongs to us

“Xaxastexw te mekw’stam”

Respect all Things

“Ewe chexw qelqelit te mekw’stam loy qw’ esli hokwex yexw lamexw ku:t”

Don’t waste, ruin or destroy everything; only take what you need

“T’xwelátse”

Do things in a good way; respect each other

WHEREAS:

- A. Yakweakwioose First Nation (“Yakweakwioose”) has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. Yakweakwioose had traditional laws and mechanisms to ensure the responsible and sustainable use of lands within Yakweakwioose First Nation’s traditional territory;
- C. Yakweakwioose has taken over control and management of Yakweakwioose Lands pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Yakweakwioose First Nation Land Code* effective the 1st day of May, 2014;
- D. Under Part 3 of the *Yakweakwioose First Nation Land Code*, the Yakweakwioose Council is authorized to pass various laws including laws relating to the regulation, control, authorization and prohibition of access of Yakweakwioose Lands and public and private nuisance;
- E. Yakweakwioose is concerned about the risks to the health and safety of Members posed by vacant buildings on Yakweakwioose Lands and by dangerous or illegal activities being undertaken within structures on Yakweakwioose Lands; and
- F. Council wishes to establish a framework to safeguard against health and safety hazards posed by vacant buildings and dangerous and illegal uses of buildings on Yakweakwioose Lands;

NOW THEREFORE this *Yakweakwioose First Nation Vacant and Dangerous Buildings Law* is hereby enacted at a duly convened Council meeting as an urgent Law of the Yakweakwioose First Nation.

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS..... 1

 Short title..... 1

 Application..... 1

 Definitions 1

 Delegation..... 2

PART 2 – PROHIBITIONS..... 2

 Vacant Buildings..... 2

 Dangerous Use of Building..... 2

PART 3 – REQUIREMENTS FOR VACANT BUILDINGS 2

 Requirements..... 2

 Exemptions 3

 Order to Apply for Vacant Building Permit, Obtain Field Evaluation..... 3

 Vacant Building Permit..... 4

PART 4 – ENTERING PROPERTY AND BUILDINGS FOR INSPECTIONS 5

 Entry to Inspect Vacant Buildings Without Notice 5

 Inspections to Monitor Compliance with Vacant Building Permit..... 6

 Entry to Inspect Suspected Dangerous Uses Without Notice..... 6

PART 5 –ENFORCEMENT 6

 Compliance Order & Remedial Action – Vacant Building..... 6

 Order for Alternative Corrective Action 7

 Emergency Order – Dangerous Use..... 8

 Information to Initiate Prosecution 8

 Yakweakwioose May Carry out Work Required..... 8

 Cost Recovery if Yakweakwioose Incurs Costs..... 9

PART 6 -DISPUTE RESOLUTION..... 9

 Review 9

 Effect of review..... 10

PART 7 – OFFENCES 10

 Penalties 10

 Continuing Offence..... 10

 Further Prosecution..... 10

 Proof of Offence 10

PART 8 - REGULATIONS 10

Regulations	10
PART 9 – GENERAL PROVISIONS	11
Severability.....	11
Limitation of Liability	11
Defence.....	11
Failing to Discover a Contravention	12
Limitation Period.....	12
Service	12
Coming into Force	12

PART 1- INTRODUCTORY PROVISIONS

Short title

1. This Law may be cited as the *Yakweakwioose Vacant and Dangerous Buildings Law*.

Application

2. This Law applies to the whole area of Yakweakwioose Lands as defined in the Land Code.

Definitions

3. (1) In this Law,

“Building” means any structure or construction for any use or occupancy on Yakweakwioose Lands;

“Dangerous Use” means an activity or conduct that potentially violates applicable laws or poses a significant risk to health or safety, including, but not limited to: a structure that is infested by pests or rodents and cannot be decontaminated, or that is condemned or otherwise unsafe for human use or occupation; a rave house, party house, crack house; an illegal grow operation for marijuana or the illegal manufacture or sale of other illegal drugs and substances;

“Development Permit” means a permit issued under the *Yakweakwioose First Nation Subdivision, Development and Servicing Law*;

“Enforcement and Ticketing Law” means the *Yakweakwioose First Nation Enforcement and Ticketing Law*;

“Inspector” means a person appointed under the *Enforcement and Ticketing Law* and includes an Enforcement Officer and the Lands Governance Director;

“Land Code” means the *Yakweakwioose First Nation Land Code*;

“Owner or Occupier” means a person who is occupying a Building or has an Interest or any other legal or equitable interest in the applicable parcel or unit of Yakweakwioose Lands;

“Permittee” means the holder of a Vacant Building Permit;

“Vacant” means a Building, including a portion of a Building or a unit within a Building, that is not occupied and that may also be unfinished, dilapidated, fire damaged, open to the elements, or capable of unauthorized entry, or that may endanger life or property; and

“Vacant Building Permit” means a permit issued under section 11.

- (2) Unless specifically provided otherwise in this Law, the terms used have the same meaning as defined in the Land Code.

Delegation

4. Council may authorize the Lands Governance Director by Council Resolution to assign the performance of any duties of the Lands Governance Director under this Law to any Yakweakwioose officer, employee, contractor or agent or to any municipal or provincial official.

Paramountcy

5. If there is any inconsistency or conflict between this Law and the Land Code, the Land Code prevails to the extent of the inconsistency or conflict.

PART 2 – PROHIBITIONS

Vacant Buildings

6. An Owner or Occupier of a Building
 - (a) must not allow the Building to stand Vacant for more than 60 days unless
 - (i) the Building is in compliance with section 8; or
 - (ii) the vacancy qualifies for an exemption under section 9; and
 - (b) must maintain the Building in accordance with the requirements of this Law.

Dangerous Use of Building

7. (1) A person must not carry out or permit to be carried out a Dangerous Use of a Building.
 - (2) Subsection (1) must not be interpreted as limiting Yakweakwioose's authority to address illegal or dangerous activities on Yakweakwioose Lands.

PART 3 – REQUIREMENTS FOR VACANT BUILDINGS

Requirements

8. Except as authorized under section 9, an Owner or Occupier of a Building that has been Vacant for more than 60 days must:
 - (a) maintain the Building in compliance with the standards set out in Schedule "A" of this Law;
 - (b) secure the Building in compliance with the standards set out in Schedule "B" of this Law;
 - (c) provide a copy of the insurance for the Building;
 - (d) agree to accept all liability and pay any additional insurance or deductibles;
 - (e) unless this requirement is waived by the Lands Governance Director in writing, acquire and maintain \$2,000,000 in liability insurance and provide proof of this insurance to Yakweakwioose, and

- (f) apply for a Vacant Building Permit under section 11

Exemptions

9. (1) An Owner or Occupier of a Vacant Building that has been Vacant for more than 60 days is not required to comply with the requirements under section 8 if any of the following applies:

- (a) Unless it includes any Dangerous Use, if the Building is a cultural Building such as a longhouse or smokehouse that is occupied on a seasonal or cultural basis;
- (b) the Building is the subject of an active Development Permit for repair, rehabilitation, or demolition, and the Owner or Occupier is progressing diligently to complete the repair rehabilitation, or demolition;
- (c) the Building is actively being offered for sale, lease, or rent at fair market value, is ready for occupancy and meets all applicable codes;
- (d) the Building is part of an estate that is going through a probate or administrative process; or
- (e) the Owner or Occupier is a 'snow bird' or will be away from their home for a planned holiday for up to 180 days and has provided notice of their absence to the S.A.Y. Lands Office.

(2) For the purposes of subsection (1)(c), (c), (d) or (e) the Owner or Occupier must ensure

- (a) the Building is supplied with minimum utilities to maintain the proper functioning of the facilities and to prevent damage to mechanical and plumbing facilities from freezing;
- (b) the Building maintains electrical and heating systems to maintain fire alarm or fire suppression systems if the Building is classified to require such systems;
- (c) all combustible materials within the Building are removed to reduce any potential fire load;
- (d) there is no Dangerous Use or illegal occupancy; and
- (e) there are no infestations of rodents or any other potential health or safety risks to the community.

Order to Apply for Vacant Building Permit, Obtain Field Evaluation

10. (1) Where an Inspector reasonably believes a Building has been Vacant for more than 60 days, the Inspector may notify the Owner or Occupier in writing and order the Owner or Occupier to apply for a Vacant Building Permit in accordance with section 11.

(2) The Inspector's order under subsection (1) may include a requirement for the Owner or Occupier to retain a qualified and licensed building inspector or professional engineer licenced or registered to practice in British Columbia to perform a field evaluation of the Building and identify remedial work required to ensure the structure is safe for occupation.

(3) An order under subsection (1) must be in writing.

Vacant Building Permit

11. (1) Within 30 days of receipt of an Inspector's order to apply for a Vacant Building Permit, an Owner or Occupier of a Building must:

- (a) apply to the S.A.Y. Lands Department for a special safety inspection;
- (b) provide an address for service of notices and orders for the period over which the Vacant Building Permit is valid and provide prompt notice of any change in the address given for service;
- (c) pay the applicable application or permit fee as established within Schedule "C" of this Law;
- (d) provide the Inspector with a copy of the certificate of insurance required under section 8(e); and
- (e) if ordered by the Inspector under section 10(2), provide the results of the professional engineer's field evaluation of the Building.

(2) The Lands Governance Director must issue an Owner or Occupier a Vacant Building Permit if

- (a) the Owner or Occupier has complied with the requirements under subsection (1); and
- (b) the special safety inspection demonstrates that the Building is in compliance with sections 8(a) and (b).

(3) It is in the Lands Governance Director's discretion to issue an Owner or Occupier a Vacant Building Permit if

- (a) the Owner or Occupier has complied with the requirements under subsection (1); and
- (b) upon consideration of the results of the special safety inspection and any other supporting documents, the Owner or Occupier proposes a credible and viable plan to bring the Building into compliance and subsequently maintain it in compliance with sections 8(a) and (b).

(4) It is a term of every Vacant Building Permit that the Permittee must ensure

- (a) subject to any terms agreed to by the Lands Governance Director under subsection (3), the Building remains in compliance with sections 8(a) and (b); and
- (b) there is no illegal occupancy or Dangerous Use of the Building.

(5) The Lands Governance Director may impose any additional terms and conditions on a Vacant Building Permit that the Land Governance Director considers reasonable.

- (6) The Permittee must display the Vacant Building Permit in a prominent location as determined by the Inspector.
- (7) Subject to early cancellation or any term set out in the Vacant Building Permit, a Vacant Building Permit is valid for a period of up to 24 months from the date it is issued and may potentially be renewed upon application by the Owner or Occupier.
- (8) The Vacant Building Permit is automatically transferred to the next Owner or Occupier of the property if there is a transfer of ownership or interests and the Vacant Building Permit retains its original expiry date.

Permit Refused

12. (1) If the applicant fails to comply with sections 11(2)(a) and (b), or the Lands Governance Director declines to exercise his or her authority under section 11(3), the Lands Governance Director will provide the following to the applicant:
 - (a) notice that the Owner or Occupier's application was refused, with written reasons for the refusal; and
 - (b) a written order issued in accordance with section 18 requiring the Owner or Occupier to comply with section sections 11(2)(a) and (b).

Partial Refund of Fee

13. (1) The Permittee is entitled to a partial refund of the permit fee set out in Schedule "C" of this Law if the Building subject to the Vacant Building Permit is remediated or demolished within six months of the date the Vacant Building Permit was issued.
- (2) Any outstanding fees, utility or service charges or penalties that Yakweakwioose imposes on the Owner or Occupier in accordance with a Law will be deducted from any refund paid under subsection (1).

PART 4– ENTERING PROPERTY AND BUILDINGS FOR INSPECTIONS

Notice for Inspections in General

14. (1) Unless otherwise provided under this Law, an Inspector must provide at least 48 hours written notice to an Owner or Occupier prior to entering a property or building to carry out an inspection under this Law.

Entry to Inspect Vacant Buildings Without Notice

15. (1) In the performance of their duties, an Inspector may enter onto land without notice to, and without the consent of, the Owner or Occupier to inspect or monitor a Building that is boarded or appears to be Vacant, including a Building that qualifies for an exemption under section 9, to determine:
 - (a) whether the Building is Vacant; and
 - (b) whether the Building complies with this Law.

- (2) An Inspector's authority under subsection (1) applies despite section 6.3 of the *Enforcement and Ticketing Law* and without limiting Yakweakwioose's authority to enter property to monitor and enforce this Law.

Inspections to Monitor Compliance with Vacant Building Permit

16. A Permittee must allow an Inspector to access the Building at least once per month for the purposes of:

- (a) ensuring the Building is maintained in accordance with sections 8(a) and (b) and the terms of the Permit; and
- (b) ensuring there is no illegal occupancy of the Building.

Entry to Inspect Suspected Dangerous Uses Without Notice

17. (1) In the performance of their duties, an Inspector may enter a Building, including a Building occupied as a private dwelling, and the associated property, without notice to, and without the consent of, the occupant

- (a) where the Inspector has reasonable grounds for believing
 - (i) a Dangerous Use is being carried out in the Building, and
 - (ii) failure to enter may result in significant risk to the health or safety of the occupier or other persons which makes obtaining a court order impracticable; or
 - (b) to monitor compliance with an emergency order under section 20.
- (2) An Inspector's authority under subsection (1) applies in addition to the authority provided at sections 6.2 and 6.3 of the *Enforcement and Ticketing Law*.

PART 5—ENFORCEMENT

Compliance Order & Remedial Action – Vacant Building

18. (1) An Inspector may issue a written order requiring an Owner or Occupier of a Building to comply with this Law if, in the reasonable opinion of the Inspector, the Owner or Occupier

- (a) contravenes a Vacant Building Permit;
 - (b) contravenes an order to apply for a Vacant Building Permit under section 10;
 - (c) fails to qualify for a Vacant Building Permit under section 11; or
 - (d) otherwise contravenes this Law.
- (2) An order issued under subsection (1) must state the following:
- (a) the civic address of the Building;
 - (b) the legal description of the property on which the Building is situated;

- (c) the particulars of the contravention or non-compliance, including whether a Vacant Building Permit will be cancelled;
- (d) advising that the contravention must be remedied within a time period that the Inspector believes is adequate; and
- (e) advising that if the Owner or Occupier fails to comply with the order
 - (i) Yakweakwioose may, without further notice, proceed to carry out the work required, and the cost of such work will be a recoverable debt owing to Yakweakwioose, and
 - (ii) the Owner or Occupier may be subject to prosecution for an offence under this Law.

Order for Alternative Corrective Action

19. (1) Council may order an Owner or Occupier to demolish the Owner or Occupier's Vacant Building if, at any time, Council determines the following:

- (a) the Vacant Building creates a hazard, posing a significant risk to health or safety;
- (b) the Owner or Occupier has not proposed a viable or credible plan to bring the Building into compliance and subsequently maintain it in compliance with this Law and other Laws; and
- (c) it would be unreasonable for Yakweakwioose to expend the necessary costs to bring the Building into compliance with this Law.

(2) An order issued under subsection (1) must state the following:

- (a) the civic address of the Building;
- (b) the legal description of the property on which the Building is situated;
- (c) the particulars of the contravention or non-compliance;
- (d) advising that
 - (i) the Building must be demolished within a time period that the Council believes is reasonable, and
 - (ii) the demolition must be carried out in consultation with the S.A.Y. Lands Department to ensure safety and compliance with applicable Laws;
- (e) advising that if the Owner or Occupier fails to comply with the order
 - (i) Yakweakwioose may, without further notice, proceed to demolish the Building, and the cost of such work will be a recoverable debt owing to Yakweakwioose, and
 - (ii) the Owner or Occupier may be subject to prosecution for an offence under this Law.

- (3) Subsection (1) must not be interpreted as limiting Yakweakwioose's authority to order compliance under section 18 or for Yakweakwioose to bring a Building into compliance under section 22.

Emergency Order – Dangerous Use

20. (1) If, in the reasonable opinion of an Inspector, a person has contravened the prohibition against a Dangerous Use of a Building under section 7, the Inspector may issue a verbal or written order to the person who, in the reasonable opinion of the Inspector, is the person best able to comply with the order, requiring the person
- (a) to terminate the Dangerous Use; and
 - (b) to take any additional steps as the Inspector considers appropriate in the circumstances.
- (2) An order issued under subsection (1) will take effect from the time it is issued.
- (3) A verbal order issued under subsection (1)
- (a) has the same force and effect as a written order; and
 - (b) must be served in written form in accordance with section 36 as soon as possible after the order is issued verbally.
- (4) A written order issued under subsection (1) must state the following:
- (a) the civic address of the Building;
 - (b) the legal description of the property on which the Building is situated;
 - (c) the particulars of the contravention;
 - (d) advising that the contravention must be remedied within 24 hours of the time of delivery of the order;
 - (e) advising that if the person fails to comply with the order
 - (i) Yakweakwioose may, without further notice, proceed to carry out the work required, and the cost of such work will be a recoverable debt owing to Yakweakwioose, and
 - (ii) the person may be subject to prosecution for an offence under this Law.

Information to Initiate Prosecution

21. In addition to an Inspector's powers under the *Enforcement and Ticketing Law* and without limiting an Inspector's powers under this Law, or otherwise, an Inspector may provide to an authorized prosecutor information sufficient to initiate the prosecution of an offence under this Law or any other applicable law.

Yakweakwioose May Carry out Work Required

22. (1) If a person to whom an Inspector issues an order under section 18, 19 or 20 fails to comply with the order within the time period specified in the order, Yakweakwioose, by its employees or other authorized parties, may at all reasonable times and in a reasonable manner, enter the property and the Building, including a Building occupied as a private dwelling, and bring about such compliance or undertake such corrective action at the cost of the defaulting person.
- (2) Permitted costs under subsection (1) include all costs and expenses incurred by Yakweakwioose to achieve compliance with this Law including, without limitation,
- (a) administrative costs;
 - (b) costs to attend the property by Yakweakwioose's employees or its contractors; and
 - (c) the costs of removal, clean up and disposal.

Cost Recovery if Yakweakwioose Incurs Costs

23. (1) Yakweakwioose may recover all or a portion of the costs incurred in taking measures under this Law from every person who, through his or her actions or negligence, or the actions or negligence of others for whom he or she is by law responsible, contravened this Law.
- (2) Where Yakweakwioose may claim and recover expenses from two or more persons under subsection (1), the expenses may be recovered jointly and severally from those persons.
- (3) Where a person fails to comply with an order issued under this Law, that person is liable for all expenses incurred as a result of any action taken under this Law to carry out the order.
- (4) A claim for costs and expenses under this Law may be sued for and recovered with costs as a debt due to Yakweakwioose.
- (5) If a court is satisfied that an expenditure incurred by Yakweakwioose under subsection (1) is either excessive or unnecessary taking into consideration generally accepted practices, the court may reduce or extinguish the amount of the judgement that it would otherwise have ordered against the person against whom the action has been brought.
- (6) If authorized under a Law, Yakweakwioose may add the debt to property taxes or other fees or taxes owing.

PART 6 -DISPUTE RESOLUTION

Review

24. A person

- (a) whose application for a Vacant Building Permit is refused;
- (b) whose Vacant Building Permit has been issued subject to conditions;

(c) whose Vacant Building Permit has been cancelled; or

(d) who is the subject of an order issued under this Law

may, within 30 days of receiving notice of the applicable decision, request a review in accordance with Part 10 of the Land Code.

Effect of review

25. (1) Subject to subsection (2), a request to review an order, acts as a temporary stay of that order until the review is completed or terminated in accordance with Part 10 of the Land Code.

(2) A request to review an order related to a Dangerous Use under section 20 does not stay the order.

PART 7-- OFFENCES

Penalties

26. (1) A person who contravenes section 6, a Vacant Building Permit, or fails to comply with an order under section 18, commits an offence and is liable on conviction to a fine not exceeding \$10,000.

(2) A person who contravenes section 7 or fails to comply with an order under section 20 commits an offence and is liable on conviction to a fine not exceeding \$10,000.

(3) A person who fails to comply with an order under section 19 commits an offence and is liable on conviction to a fine not exceeding \$10,000.

(4) A person who obstructs or resists an Inspector who is performing duties under this Law or who fails to comply with a requirement of an Inspector imposed under this Law commits an offence and is liable on conviction to a fine not exceeding \$10,000.

Continuing Offence

27. Where any contravention of this Law is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

Further Prosecution

28. The conviction of a person for an offence under this Law does not prohibit further prosecution of that person for the continued neglect or failure on his or her part to comply with this Law or any order or notice made or given under this Law.

Proof of Offence

29. In a prosecution for an offence under this Law it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence.

PART 8- REGULATIONS

Regulations

30. Council may make regulations it considers necessary or advisable for the purposes of this Law.

PART 9– GENERAL PROVISIONS

Severability

31. (1) In the event that all or any part of any section or other provision of this Law are found by a court of competent jurisdiction to be invalid, such section or other provision will be severable, and the remaining provisions or sections will remain in full force and effect.

(2) The invalidity of all or any part of any section or provision of this Law will not affect the validity of any other section or provision of this Law that will be given effect without such invalid section or provision.

Limitation of Liability

32. (1) No action lies and no proceeding may be brought against Yakweakwioose, or a manager, employee, servant, official or agent of Yakweakwioose, including for greater certainty, the Lands Governance Director:

(a) for any act in relation to this Law;

(b) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty under this Law;

(c) for the exercise of the person's authority under this Law, including providing advice, making recommendations, or the failure to provide advice or make recommendations under this Law; or

(d) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under this Law.

(2) Without limiting subsection (1), if the Yakweakwioose, or a manager, employee, servant, official or agent of Yakweakwioose, including for greater certainty, the Lands Governance Director, rely honestly and without gross negligence, malice or wilful misconduct on the contents of

(a) a special safety inspection under section 11(1)(a); or

(b) an engineer's field evaluation under section 10(2)

produced pursuant to this Law, those named parties are not liable for damages arising from reliance on the inspection or field evaluation.

Defence

33. Section 32 does not provide a defence if:

(a) Yakweakwioose, or a manager, employee, servant, official or agent of Yakweakwioose, has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or

(b) the cause of action is libel or slander.

Failing to Discover a Contravention

34. Yakweakwioose, or a manager, employee, servant, official or agent of Yakweakwioose, is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of their neglect or failure, for any reason, to discover or detect any contraventions of this Law.

Limitation Period

35. All actions against Yakweakwioose for the unlawful doing of anything that:

- (a) is purported to have been done by Yakweakwioose under the powers conferred by this Law; and
- (b) might have been lawfully done by Yakweakwioose if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose.

Service

36. An order, a notice or any other document that must be delivered or served under this Law, may be delivered or served by:

- (a) personally giving the order, notice or other document to the person to whom it is directed;
- (b) mailing the order, notice or other document, by registered mail, to the person to whom it is directed to the last known address for that person; or
- (c) if the person is unknown, affixing the order, notice or other document in a conspicuous location where the undertaking or other activity of concern is occurring.

Coming into Force

37. This Law comes into force on the date it is passed by Council Resolution.

BE IT KNOWN that this Law entitled the *Yakweakwioose Vacant and Dangerous Buildings Law*, is hereby:

Enacted by a Resolution of Council on the 23rd day of May, 2018.

A quorum is 2


Chief Terry Horne

Councillor Jason Malloway


Councillor Nicole LaRock

SCHEDULE 'A'

The Owner of a Vacant Building must comply with the following maintenance standards of this Schedule.

EXTERIOR WALLS

1. The exterior of every Building must be constructed, repaired and maintained in a manner that:
 - (a) ensures the integrity of the Building envelope to protect the Building from the sweather and from infestations of insects, rodents and other pests; and
 - (b) prevents a substantial depreciation in property values in the immediate neighbourhood;
2. Without restricting the general obligation as set out in section 1:
 - (a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
 - (b) all exterior walls and their components, including coping and flashing, must be maintained in good repair;
 - (c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the Building;
 - (d) exterior wood surfaces must be adequately protected against deterioration by the application of paint, stain or other protective coating;
 - (e) no more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - (f) the mortar of any masonry or stone exterior wall may not be loose or dislodged.
 - (g) the exterior of every Building must be free of graffiti; and,
 - (h) loose material must be removed from exterior walls, doors and window openings.

ROOFS

3. Roofs must be constructed and maintained so as to prevent:
 - (a) rainwater or melting snow falling on the roof from entering the Building;
 - (b) rainwater or melting snow falling on the roof from negatively affecting neighbouring Buildings or properties; and,
 - (c) objects and materials from falling from the roof.
4. Without restricting the general obligation as set out in section 3:
 - (a) roofs, including fascia boards, soffits, cornices, flashing, eaves troughing and downspouts must be maintained in a watertight condition;

- (b) roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - (i) accumulates or causes ground erosion;
 - (ii) causes dampness in the walls, ceilings or floors of any portion of any neighbouring Building; and,
 - (iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.
- 5. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a Building or an accessory Building.

FIRE PROTECTION

- 6. Any fire protection system must be maintained in an operational condition.
- 7. Any fire alarm system must be connected to an approved fire signal receiving centre in compliance with Can/ULC-S561, adopted and published by the Underwriters' Laboratories of Canada, so as to notify the Fire Department of fire alarm activation in the Building.
- 8. Ensure that all combustible materials within the Vacant Building are removed to reduce any potential fire load.

SCHEDULE 'B'

The Owner of a Vacant Building must comply with the following:

1. The Owner of a Vacant Building must ensure that:
 - (1) All exterior doors to the Vacant Building are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
 - (2) All windows are either permanently sealed or locked so as to prevent entry;
 - (3) All windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the Building; and,
 - (4) All windows are in good repair, and properly glazed.
2. In addition, if directed by the Yakwekwioose Council or Lands Governance Director, acting reasonably, the Owner of a Vacant Building must ensure that any of the following requirements are met, provided that each such requirement is set out in writing:
 - (1) All doors, windows and other openings, other than the principal entrance at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
 - (2) The principal entrance must be covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre.
 - (3) Windows, doors and other openings at the second floor level must be covered with a solid piece of plywood, at least 9.5 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
 - (4) Windows, doors and other openings at the third floor level or higher must be either:
 - (a) Secured in accordance with section 1 of this Schedule; or
 - (b) Covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
 - (5) Windows, doors and other openings at the third floor level or higher may be secured from inside the Building; plywood applied to all other openings must be secured from the exterior.
 - (6) Plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of paint, which is of a colour compatible with the exterior colour of the Building. A hole must be cut in the plywood just large enough for the door hardware to protrude.

- (7) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an Inspector.
- (8) All stair or window wells must be adequately secured either by:
 - (a) Filling them with concrete or unshrinkable fill; or
 - (b) Covering opening to them with a metal plate at least 8 millimeters thick and securing it so as to prevent it from shifting.
- (9) Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- (10) Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to an Inspector.

SCHEDULE 'C'

VACANT BUILDING REGULATION PERMIT FEES

Fee for special safety inspection - Vacant Building Permit \$ 500.00.

Fee for other inspections by an Inspector \$ 130.00.

Fee for Vacant Building Permit (24 months maximum) \$100.00 for each Vacant Building.

REFUNDS

75% of the Vacant Building Permit Fee may be refunded if it is remediated or demolished within 6 months of the date of the permit.