

Resolution 12A

DANGEROUS AND UNSIGHTLY PREMISES WITH ABSENTEE LANDOWNERS (PASSED)

⇒ County of Richmond

WHEREAS dangerous and unsightly premises are a responsibility of Municipalities; and

WHEREAS the remediation of dangerous and unsightly premises can be very costly; and

WHEREAS in many rural areas in the Province of Nova Scotia there are dangerous and unsightly premises with title issues and/or absentee land owners; and

WHEREAS title issues and/or absentee land owners make it difficult to enforce collection of remediation costs through tax sale or otherwise;

THEREFORE BE IT RESOLVED that the UNSM lobby the Government of Nova Scotia and its applicable Departments to make legislative changes so that dangerous and unsightly properties with absentee land owners and/or title issues may be subject to curative provisions permitting the prompt recovery of such remediation costs through Tax sale or otherwise.

Response from:

Department of Municipal Affairs

RESPONSE:

Part XV of the Municipal Government Act (MGA) defines the conditions that can establish a property as "dangerous or unsightly". Municipal council may order the owner to remedy the condition by removal, demolition or repair.

With respect to title issues, the 'owner' includes: a part owner, joint owner, a tenant in common or a joint tenant of land or a building.

In the case of the absence or incapacity of the title holder, the definition includes: an executor, trustee or guardian, an agent, mortgagee having control or care of the land or building, and in the absence of proof of ownership, the person assessed for the property is considered as the owner.

The MGA provides for the recovery of any money expended by the municipality under a dangerous or unsightly premises order. Where a municipality lawfully causes work to be done under the Act, the cost of the work, along with interest

owing, is considered a first lien on the property. Under the MGA, a lien is defined as a tax and therefore is recoverable by the municipality as taxes. [Sections 507; 133.3, 3(bz)]

As in other instances, the municipality has a number of options at their disposal to collect outstanding taxes. The treasurer may sue for and recover all taxes and other sums due to the municipality; or seize and detain goods for sale, or put the property up for tax sale if the amounts are not paid. [Sections 119; 120-124; 134].

We trust these provisions address the concerns raised by Resolution 12A and encourage municipalities to contact Municipal Advisors to further discuss the process for addressing dangerous or unsightly premises.