

1.0 Purpose

To establish a clear procedure for the enforcement of the Nova Scotia Building Code Bylaw in force within the Town of Yarmouth, hereafter referred to as the Town.

2.0 Policy Statement

The Town shall follow the procedures set out in this policy for enforcing the following:

2.1 Nova Scotia Building Code Act - Schedule 17 of the Summary Offence Ticket Regulations

- a. Constructing or demolishing a building without a permit;
- b. Occupying or change the class of occupancy of a building, without a permit;
- c. Furnishing false information;
- d. Failing to comply with any order, direction or requirement of the Nova Scotia Building Code Act;
- e. Contravening the Nova Scotia Building Code Act or any of its regulations;
- f. Failing to comply with an order made pursuant to Section 12 of the Nova Scotia Building Code Act.

2.2 Investigation of a Building Code Act Offense/Efforts to Achieve Compliance

The Building Official is responsible for the investigation of all alleged violations of the Nova Scotia Building Code Act. Upon determination by the Building Official that a violation has occurred, reasonable steps shall be taken to have the owner, of the lands, upon which the violation has occurred, remedy the violation.

Subject to Section 2.2 (b) hereof, the steps taken by the Building Official shall include:

- a. After a thorough inspection of the site confirming a violation, the Building Official shall prepare and send a written Order of the violation to the owner, outlining the necessary code requirements. The Building Official shall set a reasonable time limit within which the violation must be remedied. The length of this time limit will be dependent upon a number of factors, including, but not limited to: whether there is a significant risk to human life, health, property or the environment. Such time limit shall not exceed thirty (30) calendar days. A copy of this written Order shall be provided to the Director of Planning and Development; and,
- b. Where the violation involves the commencement of construction without a permit, or if there is deemed to be an unsafe situation, the Building Official shall issue a Stop Work

- Order upon discovery of the violation, pursuant to Article 2.5.1 (2.5.1.2)(b) of the Nova Scotia Building Code Regulations and Section 12 of the Nova Scotia Building Code Act; and,
- c. Upon expiration of the time limit for remedy of the violation as noted in clause 2(a), the Building Official shall conduct an inspection to determine if compliance has occurred. If the owner has not remedied the violation the Inspector shall:
 - i. Provide an extension, upon the request of the owner and where deemed valid, reasonable and appropriate by the Building Official. Such extension shall not exceed thirty (30) calendar days;
 - ii. Where the Order has not been complied with, and an extension is not warranted, the Building Official shall forward a recommendation to proceed to prosecution in accordance with Section 2.3 of this Policy.

2.3 Prosecution Procedures

Prosecution of an owner(s) for violations shall only occur once reasonable steps to remedy, as outlined in Section 2.2 of this policy, have been taken by the Building Official and the owner has not remedied the violation. All decisions respecting the laying of a charge will be made based on sound judgment and principles of fairness and equity. In addition, the Town shall follow established principles in deciding whether to lay charges, which shall be:

The decision to lay a charge concerning a minor offence using a Summary Offence Ticket (SOT) will be the decision of the Building Official;

- a. The Building Official will only proceed with a charge where there are reasonable grounds to believe that an offence has occurred;
- b. The decision to lay a charge concerning an offence of a more serious nature, or which involve repeat offenders, as well as the method of charge used will be made by the Building Official in consultation with the Town's Director of Planning.
- c. The laying of an SOT charge, if deemed appropriate, shall be done in accordance with the Summary Proceedings Act and the Summary Offence Ticket Regulations.

Clerk's Annotation for Official Policy Book	
Date of Adoption: April 16 th , 2015	
I certify that this 'NS Building Code Bylaw Enforcement Policy' was adopted by Council as indicated above.	
Town Clerk:	Date: