



## **Order to Remedy Policy**

### **Village of Vibank**

**#004-2020**

Adopted: September 29, 2020

#### **PURPOSE:**

To provide guidance to Administration and Public Works in compliance standards in regards to the Order to Remedy process.

#### **PROCEDURE:**

##### **ORDER TO REMEDY**

When a yard or property is found to be in contravention of the Village of Vibank Nuisance Bylaw 2006-01.

1. Administration prepares a nuisance report for Council.
2. Administration upon resolution of Council prepares a warning letter with a compliance date two weeks from the offense.  
Appendix A
3. If no action is taken by the land owner within the time frame an Order to Remedy is prepared:  
Appendix B
4. Failure to comply with the Order to Remedy, and no appeal is filed, Public Works is authorized to remedy the infraction, keeping logs of time and work performed. Any work unable to be performed by Public Works will be contracted to a licensed professional in the field necessary to perform the remedial action.
5. All costs incurred to the Village will be applied to the legal property owner's property taxes as per Section 369 (1) (c) of the Municipalities Act.

Policy 2020-004

Appendix A – Warning Letter:

Dear X :

**Re: Property at 123 Street**

At the \_\_\_\_\_ meeting of the Council of the Village of Vibank concerns were raised about the condition of your property. In particular, concerns were expressed over the \* Infraction example - *overgrown grass and the lack of attention to this problem.*

Your attention to this matter in a most timely fashion would be much appreciated and will forego Administration from taking the steps of issuing a remedial order under the Nuisance Abatement Bylaw.

Failure to meet the (two week)\_\_\_\_\_,2020 deadline for compliance. Administration will issue an Order to Remedy. Any costs associated with the Village taking action to remedy the offense will be added to the property tax on which the work was done; in accordance with Section 369(1)(C) of The Municipalities Act.

Yours truly,

Administrator

Policy 2020-004

Appendix B – Order to Remedy:

Dear X ,

**Re: Nuisance Abatement Bylaw 2006-01**

Take notice, your property at 123 Street has been declared a nuisance effective **insert failure to comply date.**

**\*Violation:**

Village of Vibank Bylaw 2006/01 Section 8, 9, and 10 - Overgrown Grass & Weeds states:

- Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be over grown with grass or weeds.
- For the purposes of this section, “overgrown,” means in excess of 0.20 meters or 7.87 inches in height.
- This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wild flowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

Village of Vibank Bylaw 2006-01 Section 11 – Untidy and Unsightly Property states:

- Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

Village of Vibank Bylaw 2006-01 Section 12 – Junked Vehicles states:

- Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.
- For the purpose of this section. “junked vehicles,” means any automobile, tractor, trailer or other vehicle that either:
  1. Has no valid license plates attached to it; or
  2. Is in a rusted, wrecked, partly wrecker, dismantled, partly dismantled, inoperative or abandoned condition;

Village of Vibank finds that property registered in your name at legal land description “**Lots X Block X Plan X**” civic address **123 Street, Vibank SK (postal code)** is in direct contravention of these bylaws.

Further to Section 364 of *The Municipalities Act*, you are hereby given notice that remedy of this contravention must be undertaken and completed by **insert date**. This will include \***mowing/weeding of**

the lots, tidying up the lots and returning them back to their original state. \* example of remedial action required

Failure to comply with remedy by **insert date** will result in the Village of Vibank taking action to remedy **at your expense**. Further to Section 31 of Bylaw 2006-01 Village of Vibank may recover costs incurred by adding the amount to the taxes of the property on which work is done; in accordance with Section 369(1)(c) of *The Municipalities Act*.

Appeal of this notice may be directed to Council of Village of Vibank, PO Box 204, Vibank, SK S0G 4Y0 within 15 days after date of this order.

Administrator

Village of Vibank

***“By Order of Council, Village of Vibank”***

***Bylaw 2020 -001 Fee Bylaw***

ITEM	UNIT	FEE
Maintenance Employee	Fee for services rendered	\$100.00/ hour
Maintenance Equipment	User fee for services rendered	\$100.00/hour
Maintenance Supply	Fee for supplies used	At market price
Landfill – Supervised entry	Special entrance fee	\$25.00/visit

***Bylaw 2006 -001 Nuisance Bylaw fines***

Offences and Penalties:

ITEM	UNIT	FEE
32. Notice of Violation	Voluntary Payment	\$200.00
35. Payment of any Notice of Violation does not exempt the person from enforcement of an order to remedy		
36a) Individual contravention	Maximum contravention remedial action amount	\$10,000.00
b) Corporation contravention	Maximum contravention remedial action amount	\$25,000.00
c) Continuing offense	Maximum daily fine	\$2,500.00

