



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Thursday, October 16, 2025**  
Time: **4:30 pm**  
Location: **Council Chambers, Town Hall**

Pages

**1. Call to Order**

**1.1 Territorial Acknowledgement**

"I would like to acknowledge that our gathering today is taking place in Mi'kma'ki (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi'kmaw people. I would also like to acknowledge that Nova Scotia has another unique people, the people of African descent whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people."

**2. Approval of Agenda and Acceptance of Minutes**

**2.1 Approval of the Agenda**

**2.2 Acceptance of the Minutes - October 6, 2025**

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**3. 39 Rupert Street**

**3.1 Staff Report**

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**3.2 PAC Comments / Questions**

**4. Adjournment**

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date:** October 6, 2025  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Ronald Wilson, Citizen Representative, Chair  
Jim Lamplugh, Citizen Representative, Vice Chair  
Councillor Charlie Chambers  
Councillor Terry McManaman  
Councillor Dwayne Ripley  
Paul Diamond, Citizen Representative

**Staff Present** Andrew Fisher Director, Planning & Economic Development  
Marc Buske, Building Official  
Emily Wainwright, Dangerous/Unsightly Premises Administrator  
Sean Payne, Marketing & Communications Officer  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

**Others Present** Frank and Nicole Wilson, Property Owners, 28 Clarence Street  
Daniel and Kathy Cole, Property Owners, 39 Rupert Street

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**1. Call to Order**

The Chair called the meeting to order.

**1.1 Territorial Acknowledgement**

The Chair gave the Territorial Acknowledgement.

Paul Diamond arrived at 4:31 PM.

**2. Approval of Agenda and Acceptance of Minutes**

**2.1 Approval of the Agenda**

**Moved By: Councillor Chambers**

**Seconded By: Jim Lamplugh**

**That the Agenda of the Planning Advisory Committee be approved as circulated.**

**Motion Carried**

**2.2 Acceptance of Minutes - September 2, 2025**

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the September 2, 2025, meeting of the Planning Advisory Committee were accepted as included in the agenda package.

**3. 39 Rupert Street**

The Chair stated that this meeting is to hear an appeal of the Administrator's decision regarding 39 Rupert Street (PID 25030388). The PAC will hear the staff report and hear from the complainant and the property owner. The committee will be asked to make a determination of the appeal at a later date.

**3.1 Staff Report**

Emily Wainwright reviewed her report, included in the agenda package, regarding 39 Rupert Street (PID 25030388) for an appeal of Administrator's decision finding the structure on the property to not be deemed dangerous or unsightly. She indicated a complaint was received on August 7, 2025, regarding the exterior condition of the attached accessory building at 39 Rupert Street. An inspection of the attached accessory building was completed, and the most relevant sections of the Municipal Government Act were assessed. Under Section 3(r)(v) it was determined that, although there are elements of wear to the structure, they were not significant enough to satisfy this section. Under Section 3(r)(ix) it was determined that the house wrap is secured to the building, and there is no concern from a public safety standpoint, and as such it was determined that the property also did not adequately satisfy the overall definition of dangerous or unsightly under the MGA.

**3.2 Complainant Comments / Questions**

The complainant, Frank Wilson, 28 Clarence Street was in attendance, and reviewed his presentation included in the agenda package. Mr. Wilson went into detail of the timeline of the construction, its lack of completion and other issues, including pigeons and raccoons entering the structure. Mr. Wilson pointed out that the unfinished portion of the structure is visible from Clarence Street, and now that he has his house for sale at 28 Clarence Street, he feels buyers are being deterred by the view of the unfinished structure from the back yard of his property. He stated a real estate agent advised him that a potential buyer lost interest due to the state of the subject property.

**3.3 Owner Comments / Questions**

The owners of 39 Rupert Street, Daniel and Kathy Cole were in attendance. Mr. Cole told the committee that due to time and other personal commitments he has not been able to complete the necessary work, adding that he did however replace the roof on the structure this year. He added that he feels he could complete the required work within the next year.

**3.4 PAC Comments / Questions.**

Frank Wilson asked when a building permit is issued, what is the timeline from it being issued to the construction being completed. Marc Buske replied there is no time when a building or construction has to be completed; however, a building permit is good for up to twelve months and it can be renewed at the end of those 12 months for another 12 months.

Jim Lamplugh asked for clarification on the building permitting process when the construction is not completed within the year and the property owner does not renew the permit. Marc Buske replied if a building permit is issued and the work has not been completed after eleven months, he will send a reminder letter that the permit will expire soon and advising the permit holder that they will either have to renew the permit, or a stop work order will be issued and you can not occupy the space. If the permit holder is occupying the space a cease occupancy will be issued.

Jim Lamplugh asked if the current space is being occupied. Andrew Fisher said that the matter before the Committee is to determine if the attached accessory building is considered dangerous and/or unsightly, and that any building code issues are a separate matter.

Jim Lamplugh asked what the timeline is for the committee to make a decision. Andrew Fisher answered that the Committee is being given the information from staff, the complainant, and the property owner. At a later date, likely at the November meeting, the committee will be asked to make a decision to uphold the Administrators decision, alter it, or make a different decision.

Jim Lamplugh asked if there is anything preventing the committee from meeting sooner rather than waiting for the next meeting in November. Andrew Fisher was unsure if there was a specific policy, but the general rule regarding these types of hearings is to allow time to review and consider the information and make a decision at a later date.

The Chair suggested that perhaps the committee meet again before the next monthly Committee in November.

Councillor Ripley asked the Administrator to explain her decision of why the subject building did not meeting the relevant definitions as set out in the MGA. Emily Wainwright answered that those sections are subjective, and that in attempt to be consistent with other complaints similar in nature, she did not feel at this time it met those definitions, adding that orders have not been issued on other buildings in similar condition as they are not a public safety concern.

Nicole Wilson asked the Committee how soon a complaint would be acknowledged if the structure at the front of 39 Rupert Street looked similar to the rear structure, adding that the people on Clarence Street have to look at this unfinished building every day.

Paul Diamond agreed that the backside of the unfinished structure is in full view from Clarence Street.

Councillor Ripley asked if there have been any other official complaints since 2012. Emily Wainwright said that she could not find any other complaints, however added that the Nova Scotia Records Management Manual legislates that all files are to be destroyed after the file has been closed for six years.

Frank Wilson asked if there was a record of when the residents at 30 Clarence Street filed a complaint against 39 Rupert Street. Marc Buske replied he believed that complaint was received past the six-year records management period, however he does remember a complaint about the pigeons within the structure and at the time the pigeons were removed, and the structure was secured.

**Moved By: Jim Lamplugh**

**Seconded By: Councillor Ripley**

**That the Planning Advisory Committee meet within the next two weeks to make a decision.**

**Motion Carried**

#### **4. Adjournment**

There being no further business, the Chair adjourned the meeting.

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Natalie LeBlanc  
Municipal Clerk

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Ron Wilson  
Chair

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Economic Development

**DATE:** October 16, 2025

**RE: 39 Rupert Street – Administrator Decision Appeal**

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The above noted matter deals with an appeal by the complainant of the Dangerous or Unsightly Administrator’s determination that the unfinished exterior of the dwelling at 39 Rupert Street (PID 25030388) does not meet the relevant definitions of Dangerous or Unsightly under the Municipal Government Act (MGA). On October 6<sup>th</sup> the PAC heard from the Administrator, the complainant and the property owner. The purpose of this meeting is for the committee to make any decision the Administrator could have made.

Attached to this memo is the October 6<sup>th</sup> package that include the Administrator’s report, the complainant’s submission, the Dangerous or Unsightly Premises Policy, and the relevant section of the MGA. Also attached are the draft minutes of the October 6<sup>th</sup> meeting and an October 14, 2025 email from the property owner stating that if ordered to complete the exterior this year that it will be done in, “a multitude of bright, outrageous colors”.

The essential question is whether or not the condition of the subject property meets at least one of the following definitions of dangerous or unsightly as set out in the MGA:

- 3(r)  
”dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
  - (iia) 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, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurements to children who may play there to their danger,

- (viii) constituting a hazard to the health or safety of the public,
- (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,**
- (x) that is a fire hazard to itself or to surrounding lands or buildings,
- (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
- (xii) that is in a poor state of hygiene or cleanliness;

Having considered the definition and the written and verbal submissions, the committee must decide on the following general options:

1. Uphold the Administrator's decision that the property does not meet the definition of dangerous or unsightly.
2. Vary or overturn the Administrator's decision and specify the reason. In this case the reason is that it meets specific parts of the above definition of dangerous or unsightly.

Should the Committee decide on the second option, it must also specify what must be done to bring the property into compliance and provide a reasonable timeline. If completed exterior siding is what must be done to comply, staff suggest a May 31, 2026 as a reasonable deadline given the scope and material cost of the work.

**From:** Cole, Daniel <[Daniel.Cole@nsc.ca](mailto:Daniel.Cole@nsc.ca)>

**Sent:** October 14, 2025 3:57 PM

**To:** Marc Buske <[MBuske@amherst.ca](mailto:MBuske@amherst.ca)>

**Subject:** Back of garage

Can you let the committee know that if I am forced into doing the garage this year, that it will be coated with a multitude of bright, outrageous colors. I already have paint donated by neighbors that is upset with the timeline of this year. I appreciate the opportunity hopefully given to me to do it correctly and aesthetically pleasing by next September. If I am forced into this year, it won't be covered up for at least 5 years. I wish I got into it earlier, but we can't change the past, only learn from it. I thank you for help in this matter and look forward to doing it right, so everyone will be happy.

Sent from my Bell Samsung device over Canada's largest network.

# MEMO

To: Planning Advisory Committee  
From: Emily Wainwright, Dangerous and Unsightly Premises Administrator  
Date: October 6, 2025  
Re: 39 Rupert Street (PID 25030388) - Appeal of Administrator's decision

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## ORIGIN

Appeal to the Planning Advisory Committee of the decision of the Administrator pursuant to Section 25 and 26 of the Dangerous or Unsightly Premises Policy, 66150-01.

## LEGISLATIVE AUTHORITY

Sections 345, 356 and 3(r) of the Municipal Government Act, 2000 c. 18.

## BACKGROUND

A complaint was received on August 7, 2025 that included the following details:

*This house has been in this condition for 12+ years, house wrap is good for 90 days without being covered. As per the municipal act. (v) the condition of which seriously depreciated the value of land or buildings in the vicinity. Our house is for sale the realtor said the last viewed liked our home but would not make an offer because of the condition of the neighbor's house. (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or landscaping is not maintained. Amherst Building By-law D-06 2.8 An occupancy permit is required for all building permits as per the requirements of the Code. In addition, and occupancy permit shall require that the exterior of the building be completed finished.*

An inspection of the property was conducted on August 12<sup>th</sup>. The property consists of a two-story, single detached dwelling with a rear addition that is under construction. As shown in the pictures, the exterior of the addition is house wrapped without finished cladding. The Administrator felt that although there are some elements of wear and deferred maintenance, the overall condition of the building does not meet the test of MGA section 3(r)(v), in that it does not seriously depreciate the value of surrounding properties.

With regard to section 3(r)(ix) that considers the condition of the exterior of the building, staff found at inspection that the house wrap is secured to the building and did not appear to be in danger of falling off. As such, it was determined that the property did not adequately satisfy the definition of dangerous or unsightly under the Municipal Government Act.

On September 5<sup>th</sup>, 2025 the complainant was notified of the Administrator's decision. On September 8, 2025, the decision was appealed to the CAO.

Although not under the purview of the Committee, the Building Official is investigating the subject property with regard to compliance under the Building Bylaw.

### **CURRENT CASE ACTIVITIES**

07-AUG-2025	Complaint received.
13-AUG-2025	Supporting documents from the complainant received.
12-AUG-2025	The Dangerous and Unsightly Premises Administrator and Building Official II attended the property to conduct an initial site visit.
14-AUG-2025	Letter sent to property owners to contact the Town to discuss their intentions with the building. Letter of acknowledgement sent to complainant.
19-AUG-2025	Building Official II received call from the property owner and discussed their intentions with the building.
05-SEPT-2025	It was determined that the property did not adequately satisfy the definition of dangerous or unsightly under the MGA. Closing letter was sent to complainant.
08-SEPT-2025	The Chief Administrative Officer received an appeal from the complainant (Appendix C).
09-SEPT-2025	The Chief Administrative Officer sent an email acknowledging the complainants appeal (Appendix D).

### **Appeal Process**

Under the town's Dangerous or Unsightly Premises Policy section 25 and 26, any decision of the Administrator may be appealed to the Committee by either the property owner or complainant. In hearing the appeal, the Committee may:

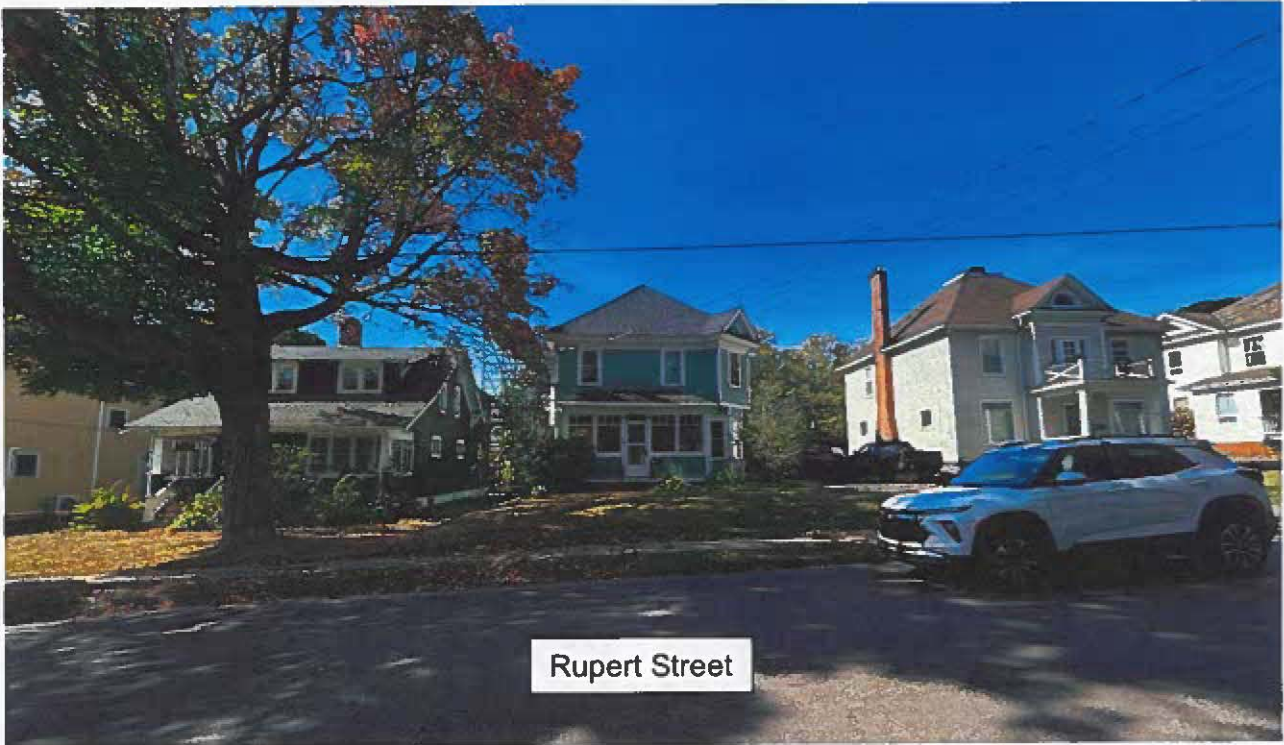
1. Uphold the Administrator's decision that the subject property does not meet the definition of dangerous or unsightly under the MGA.
2. Overturn or alter the Administrator's decision by finding that the property does meet one or more definitions of dangerous or unsightly, and provide the reasons to be recorded in the minutes. In this case, the Committee must also specify what is ordered to be done to remedy the condition within a specified timeframe.

The Committee will be asked to make a determination of the appeal at a later date after giving due consideration of the information presented.

### **ATTACHMENTS**

- 1) August 12, 2025 Inspection pictures
- 2) September 8, 2025 Appeal
- 3) 66150-01 Dangerous or Unsightly Premises Policy
- 4) MGA Part XV Dangerous or Unsightly Premises

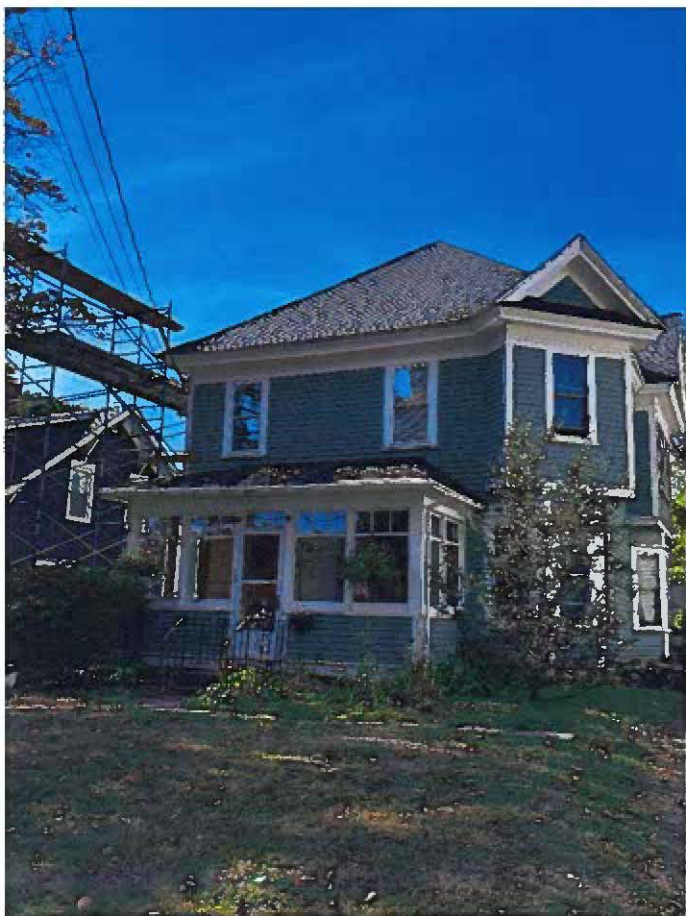
**Appendix E**



Rupert Street



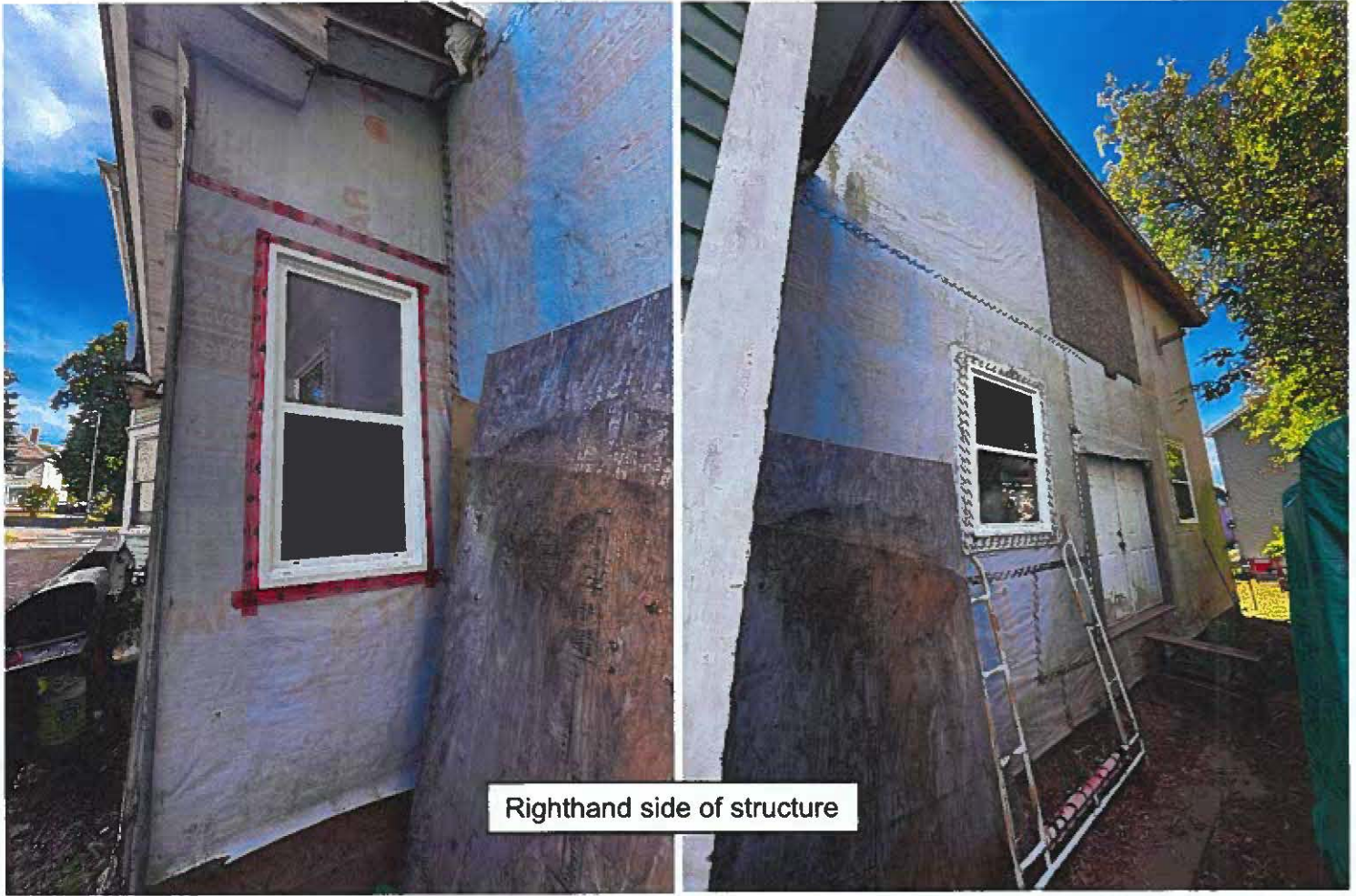
Clarence Street



Lefthand side of structure



Rear side of structure



Righthand side of structure

# Appeal of Unsightly Premises

PID 25030388 39 Rupert St

Appeal of letter received 5 Sept,2025, stating property is in compliance from Dangerous and Unsightly Premises Administrator Emily Wainwright and Building Official and Development Officer Marc Buske.

The below image was taken from Google Earth and is Dated July 2013 when the building in question was under construction.



Back in I believe 2022 my neighbors contacted the Building Official about this structure as it had pigeons nesting as none of the fascial was completed and the pigeons started housing in there, defecating on our vehicles and roofs. The homeowner did eventually get them out of the building's attic and seemingly sealed the entrances, however starlings continue to nest in there. At that time we were advised as I was also over talking to the building official also to contact the Unsightly Premises committee as it was unsightly and would be better addressed that way.

- The neighbors ended up building a fence to block the view and are not looking forward to fall when the tree drops its leaves and the building is then visible to them again.
- Later that same summer I witnessed a raccoon accessing the homeowners' (39 Rupert) roof via a tree limb and informed the homeowner in which he cut the tree limbs to remove the access point.

This taken from DuPonts website as the house wrap has been on this structure since 2013.

- DuPont™ Tyvek® HomeWrap® can withstand up to four months (120 days) of direct UV exposure before needing to be covered with siding. After this period, exposure to direct sunlight will begin to degrade the product, so it's important to install siding within this timeframe to maintain its protective qualities, as prolonged exposure to UV rays, rain, and wind can degrade the material, reducing its water resistance and ultimately compromising the building envelope

# Talking to Home Owner

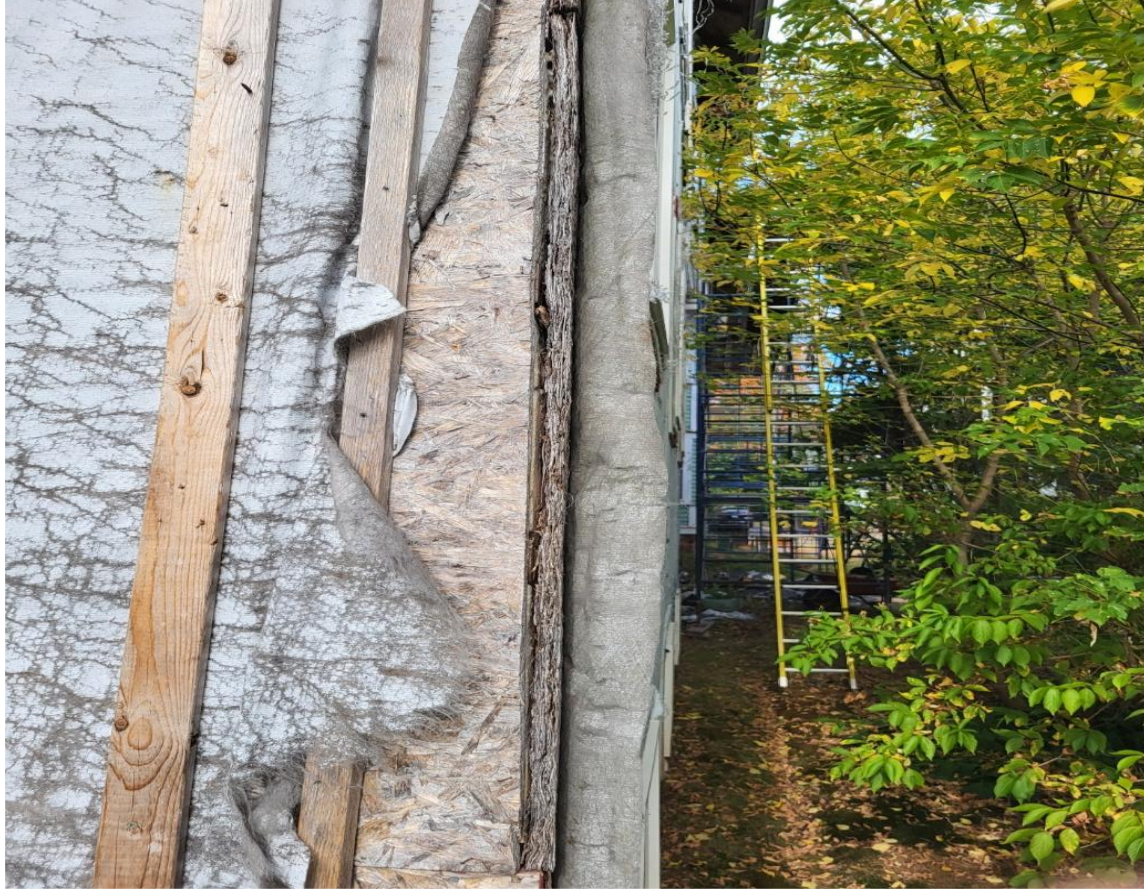
- I have over the last several years requested the homeowner to complete the building, and also have requested him to secure the flapping house wrap. 2 years ago he told me he has to go to Sackville to get new house wrap because house wrap only lasts 90 days. To relace this house wrap and before he can side it.
- He did secure it with one piece of strapping but that failed and the housewrap continued to flap and I once again requested he do something to secure it and now why there are a bunch of strapping pieces.
- Unable to sleep at night with our patio door open because of the noise from the flapping either waking us or keeping us awake at night.

- We are selling our house and a realtor from Dartmouth was showing our home to a prospective buyer from Ontario, reportedly they liked the house until they stepped out on to the back deck as this is their view. They did not make an offer, and we have had a low offer and although not directly relayed to us, I can only imagine the condition of the neighbor's house is a contributing factor.



The response from the administrator states the home is not in violation as it is weather tight. You can see from the photos that the 12-year-old house wrap has failed and that the chipboard is exposed and swelling from rain and snow.





# From Municipal Government Act Section 3 (r)

- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,
- and includes property or a building or structure with or without structural deficiencies
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
- (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,

# Towns Building by-law D-6 states in Section 2.8

- An occupancy permit is required for all building permits as per the requirements of the Code. In addition, an occupancy permit shall require that the exterior of the building be completely finished.
  
- How is the homeowner using this space for the past 12 years without the exterior being completely finished?

- The Unsightly Premises Administrator and Building Official States in a June 2 2025 Memo Recommending Demolition for 27 Westminster Avenue referenced the very same **Relevant Municipal Government Act Interpretations** as to justification and in the recommendation

- The Unsightly Premises Administrator and Building Official States in a Sept 2 2025 Memo Recommending Demolition for 8 Newton Avenue referenced the very same Relevant Legislative Authority as to justification and in the recommendation
- **3) Completed exterior, including weathertight windows, doors, and siding; and**
- **4) A weathertight roof and fascia.**

# NS Building Code

- **Deviations from Code or permit**

- **16** An owner must not deviate, nor authorize a deviation, from the Code or from the conditions of a building permit without first obtaining permission in writing for the deviation from a building official.

- **Occupancy before work completed**

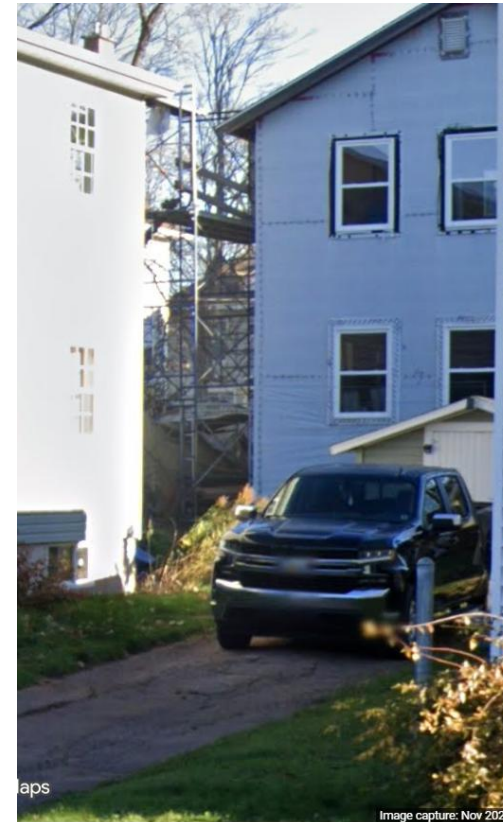
- **36** If an owner requires occupancy to occur before all work is completed, the owner must
  - (a) apply for the occupancy permit; and
  - (b) ensure that no unsafe condition exists or will exist because of the work that is being undertaken or is not completed.

# Authority having jurisdiction to issue permits

- **51** A building official must issue a building permit or an occupancy permit to an owner when, to the best of the building official's knowledge, the applicable conditions in the Act, these regulations and the Code have been met
- **55** A permit may be made conditional upon any of the following:
  - (a) submitting additional information not available at the time, if the information is of such a nature that withholding the permit until the information becomes available would be unreasonable;
  - (b) completing any work that is incomplete at the time of inspection, if the application is of such a nature that no unsafe condition exists and withholding the permit would be unreasonable

- I am only requesting the Town enforce its own by-laws, and be consistent with the application of the Unsightly Premises and Building By-law.

Picture on left from 2013, those roof jacks just came off the building Week of Sept 8<sup>th</sup> 2025 Picture on Right from Nov 2022, this staging has pretty much either just sits there or gets moved around the house



# Google Search -AI Overview

## Do building exteriors need to be completed prior to occupancy in Nova Scotia

- Yes, building exteriors must be fully completed and all safety and code requirements met before an occupancy permit can be issued in Nova Scotia to ensure the building is safe for use and complies with the [Nova Scotia Building Code Regulations](#) and local municipal bylaws. The specific requirements are set by individual municipalities, which issue the permits and must be satisfied that the building is finished according to the approved plans before granting occupancy.
- **Municipal Requirements:**
  - Each municipality in Nova Scotia, like the Town of Amherst or the [Municipality of the District of Lunenburg](#), has its own bylaws and specific requirements for occupancy permits.
- **Building Code Compliance:**
  - The Nova Scotia Building Code Regulations apply to all construction and require that buildings are safe and suitable for occupancy. This includes ensuring the exterior is finished to meet the approved construction drawings.

# Continued

- **Building Official Approval:**

- A building official must be satisfied with the completed work and the overall condition of the building before an occupancy permit is issued.

- **Safety and Hazards:**

- Occupancy is only granted when the building is safe for its intended use, with all necessary safety features and systems installed and fully functional.

- **Exterior Finishes:**

- To receive an occupancy permit, the exterior of a building must be completely finished

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**TITLE: DANGEROUS OR UNSIGHTLY PREMISES POLICY**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**POLICY NO: 66150-01**

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**APPROVAL DATE:** September 22, 2025

**CAO Signature:** 

**PURPOSE**

1. The purpose of this policy to delegate the Town's authority and set priority with regard to Part XV of the *Municipal Government Act* (Dangerous or Unsightly Premises).
2. Part XV of the *Municipal Government Act* states, "Every property in a municipality shall be maintained so as not to be dangerous or unsightly".

**POLICY STATEMENT**

3. Council delegates its authority to declare a property as dangerous or unsightly to the Dangerous or Unsightly Premises Administrator. The Administrator will determine whether or not a property is considered dangerous or unsightly in accordance with the definition of such in the *Municipal Government Act*.
4. Council delegates its authority under the provisions of the Dangerous or Unsightly Premises contained in the *Municipal Government Act* to issue an order to demolish a building to the Planning Advisory Committee.
5. Council delegates its authority to bring into compliance a property which has been declared dangerous or unsightly to the Administrator. The Administrator will utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to achieve compliance.
6. Council retains its authority under the provisions of the Dangerous or Unsightly Premises provisions contained in the *Municipal Government Act* to conduct appeal hearings when an appeal is launched against an order to demolish a building issued by the Planning Advisory Committee.
7. Council delegates its authority to conduct appeal hearings when an appeal is launched against a decision of the Administrator to the Planning Advisory Committee.

**ROLES AND RESPONSIBILITIES**

**Administrator**

8. Receive all complaints in relation to this policy;
9. Conduct an initial investigation of the complaint and determine if the property is dangerous or unsightly in accordance with the relevant provisions contained within the *Municipal Government Act*;

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**TITLE: DANGEROUS OR UNSIGHTLY PREMISES POLICY**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**POLICY NO: 66150-01**

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10. Utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to bring a property into compliance;
11. Provide a semi-annual report to Council detailing number of complaints, number of open files, number of resolved files, type of infraction, etc.

**Planning Advisory Committee**

12. Upon recommendation by the Administrator, the Planning Advisory Committee will make a decision on the issuance of an order to demolish a building.
13. Upon an appeal of a decision of the Administrator, the Planning Advisory Committee will determine if a property is dangerous or unsightly and any remedial action to be taken.

**COMPLAINTS**

14. Complaints shall be received in a written format either on a Town of Amherst Complaint Form or via letter or email. Each complaint must include the complainant's name and contact information. Anonymous complaints will not be investigated.
15. Complaints shall contain specific information, including the address of property where the alleged dangerous or unsightly condition exists, the date that the dangerous or unsightly condition existed and what specifically the complainant believes is causing the dangerous or unsightly condition.
16. Complaints may be received by staff or Council.
17. All complaints shall be submitted to the Administrator.
18. The Administrator shall acknowledge receipt of a complaint by regular mail to the complainant.
19. Complaints shall be considered confidential but are subject to Part XX of the *Municipal Government Act, Freedom of Information Protection of Privacy*.

**ENFORCEMENT**

20. The Administrator shall survey all streets at least twice per year, typically in spring and fall, to identify properties that fall within the definition of dangerous or unsightly as defined under the *Municipal Government Act*.
21. The Administrator may act in the absence of a complaint where the Administrator has determined that site conditions warrant the issuance of an Order immediately.

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**TITLE: DANGEROUS OR UNSIGHTLY PREMISES POLICY**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**POLICY NO: 66150-01**

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22. The following priority will be followed when dealing with dangerous or unsightly files:
- Dangerous Properties
  - Properties for which a written complaint is received
  - Properties identified by the Administrator under Section 21 of this Policy.
  - Properties identified by the Administrator under Section 20 of this Policy.

### **HEARINGS**

23. Notification of any hearing will be sent via registered mail no less than 10 days prior to the hearing. In cases where the owner cannot be located, notice of the hearing may be posted on the property no less than 10 days prior to the hearing.
24. The complainant will be notified of the hearing in writing no less than seven days prior to the hearing.
25. The Administrator's report will not be made public prior to the hearing.

### **APPEALS (OF ADMINISTRATOR DECISIONS)**

26. Any decision of the Administrator may be appealed to the Planning Advisory Committee within seven days of such decision. Such appeal must be submitted in writing to the Town of Amherst Office of the Clerk.
27. Appeals may be lodged by the property owner or complainant.
28. The Planning Advisory Committee may make any decision that the Administrator could have made.
29. A decision of the Planning Advisory Committee is not appealable.

### **APPEALS (OF PLANNING ADVISORY COMMITTEE DECISIONS ON DEMOLITIONS)**

30. Decisions of the Planning Advisory Committee in relation to the demolition of a building may be appealed to Amherst Town Council within seven days of such decision. Such appeal must be submitted in writing to the Town of Amherst Office of the Clerk.
31. Appeals may be lodged by the property owner or complainant.
32. Council may make any decision that the Planning Advisory Committee could have made.
33. A decision of Council is not appealable.

**TITLE: DANGEROUS OR UNSIGHTLY PREMISES POLICY**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**POLICY NO: 66150-01**

**ROLES AND RESPONSIBILITIES**

Position	Responsibilities
<b>Dangerous and Unsightly Premises Administrator</b>	Responsible for the provisions of this policy, except where otherwise stated.
<b>Director of Planning and Economic Development</b>	Approves the closing of Dangerous and Unsightly files.
<b>Office of the Clerk</b>	Receives appeals from owners or complainants regarding decisions of the Administrator and Planning Advisory Committee.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Proposed By	Approved By	Approved Date
<p>Minor 'housekeeping changes', as well as the following more substantial revisions:            Section 13 currently requires that the Administrator report to Council monthly. The proposed change would require a semi-annual report, which reflects MGA requirements and current practice. Council can always ask for a status report and/or an update on a specific issue at any time throughout the year.            Section 14 removes the requirement that the complaints be signed. This requirement is redundant so long as the complaint is in writing and includes the complainant's name and contact information.            Add as Section 21 that the Administrator may act without the requirement of a complaint. This change reflects the Administrator's more proactive semi-annual survey of town streets.</p> <p>21. The Administrator may act in the absence of a complaint where the Administrator has determined that site conditions warrant the issuance of an Order immediately.</p>	Director of Planning & Economic Development	Council	September 22, 2025

Minutes Reference Date: February 27, 2006      May 26, 2008      April 27, 2009      April 26, 2010  
 March 24, 2014      March 29, 2016      June 28, 2021      September 22, 2025

## PART XV

## DANGEROUS OR UNSIGHTLY PREMISES

**Requirement to maintain property**

**344** Every property in a municipality shall be maintained so as not to be dangerous or unsightly. 1998, c. 18, s. 344.

**Authority to delegate and requirement to report**

**345 (1)** The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

**(2)** The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality.

**(3)** The administrator shall at least twice per year table a public report to the council describing the status of dangerous or unsightly property orders including remedial progress made regarding properties for which orders were issued pursuant to this Part. 1998, c. 18, s. 345; 2011, c. 4, s. 7.

**Order to remedy condition**

**346 (1)** Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

**(2)** An owner may appeal an order of the administrator to the council or to the committee to which the council has delegated its authority within seven days after the order is made.

**(3)** Where it is proposed to order demolition, before the order is made not less than seven days notice shall be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

**(3A)** Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting.

**(4)** The notice may be served by being posted in a conspicuous place upon the property or may be served upon the owner. 1998, c. 18, s. 346; 2000, c. 9, s. 51; 2011, c. 4, s. 8.

**Order to remedy condition**

**347 (1)** A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair.

(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied. 1998, c. 18, s. 347.

#### Effect of order

348 (1) In this Section, "order" means an order made by the administrator, committee, council or court pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property or may be served upon the owner.

(3) Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

(3A) *repealed 2003, c. 9, s. 77.*

(4) After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

(4A) Any monetary penalty payable pursuant to subsection (4) may not be remitted pursuant to the *Remission of Penalties Act* unless the penalty relates to a property that is the primary residence of the person required to pay the penalty.

(5) Every day during which the condition is not remedied is a separate offence.

(6) Where an order requires the demolition or removal of a building, the administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal. 1998, c. 18, s. 348; 2001, c. 35, s. 22; 2003, c. 9, s. 77; 2006, c. 40, s. 15; 2011, c. 4, s. 9.

#### Order to vacate unsafe property

349 (1) A property within a municipality that is unsafe shall be vacated forthwith upon order of the administrator.

(2) The administrator shall post notice that the property is unsafe in a conspicuous place on the property.

(3) The notice shall remain posted until the unsafe condition is remedied. 1998, c. 18, s. 349.

**Immediate action**

350 Where public safety requires immediate action, the administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition. 1998, c. 18, s. 350.

**Notice**

351 Where land is sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and where the purchaser of the land is

(a) the municipality, any notice required to be given with respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately before the day on which the land was sold; and

(b) any person other than the municipality, the notice shall be given to both the person entitled to receive it immediately before the day on which the land was sold and the purchaser at the tax sale. 1998, c. 18, s. 351.

**Power to enter land**

352 (1) The administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.

(2) Except in an emergency, the administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance.

(3) If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. 1998, c. 18, s. 352.

**No action**

353 No action shall be maintained against a municipality or against the administrator or any other employee of a municipality for anything done pursuant to this Part. 1998, c. 18, s. 353.