

**ENFORCEMENT AND APPEALS**

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**39 ENFORCEMENT AND APPEALS**

**39.1 Prohibitions and Contravention**

- 39.1.1 No person shall permit a contravention of this Bylaw or a condition of a permit issued under this Bylaw.
- 39.1.2 No person shall commence any development for which a permit has not been obtained or that is in contravention of the specifications or plans that were the basis for the issuance of a development permit.
- 39.1.3 Pursuant to the Act, the Designated Officer may enforce the provisions of the Act and regulations thereunder, the Subdivision and Development Regulations, the conditions of a development permit and this Bylaw. Enforcement may be by written notice of contravention, an order, or any other authorized action to ensure compliance.

**39.2 Right of Entry**

- 39.2.1 Pursuant to the Act a Designated Officer may, immediately in the case of an emergency, or otherwise after providing a reasonable notice and during reasonable hours, enter upon any land and/or structure within the municipality for ensuring compliance with this Bylaw. For the purposes of this Bylaw:
- (a) a reasonable notice shall be 48 hours; and
  - (b) during reasonable hours shall be between the hours of 08:00 to 18:00 hours.
- 39.2.2 If a person refuses or interferes with the entry, enforcement or inspection, or refuses to produce anything to assist with the enforcement or inspection, the Municipality may apply to the Court of Queen's Bench, by way of originating notice, for an authorizing order.

**39.3 Cancellation or Suspension of Permits**

- 39.3.1 The Development Authority may, in writing, cancel, suspend or modify a development permit if it becomes aware that:
- (a) the application for the development contains a misrepresentation;
  - (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time of consideration of the application;
  - (c) the development permit was issued in error; or
  - (d) the applicant withdrew the application by written request.
- 39.3.2 Where the Development Authority cancels, suspends or modifies a development permit, the permit holder may appeal to the Subdivision and Development Appeal Board in accordance with the Act.



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**39.4 Penalties**

- 39.4.1 Pursuant to the Act, any person who violates the provisions of or contravenes this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule B.
- 39.4.2 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw, allowing for payment of the penalty in lieu of prosecution for the offence.
- 39.4.3 A Violation Tag may be issued to such person personally or by mailing a copy to such person at their last known address.
- 39.4.4 Where contravention of this Bylaw is of a continuing nature, further Violation Tags or a Violation Ticket may be issued by a Peace Officer, provided that no more than one Violation Tag or Ticket is issued for each calendar day that the contravention continues.
- 39.4.5 A Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 39.4.6 Where a person is found guilty of an offence under the Act or this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with the Act or this Bylaw, a development permit or a condition attached to a development permit.

**39.5 Stop Orders**

- 39.5.1 Pursuant to the Act, a Designated Officer may, by written notice, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:
- (a) stop the development of the use of the land or building in whole or part as directed by the notice;
  - (b) demolish, remove or replace the development; or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Act or regulations thereunder, this Bylaw, a development permit or a subdivision approval; and
  - (d) complete any actions within the time set out in the order.
- 39.5.2 An order shall state that a person who receives an order may appeal the order to the Subdivision and Development Appeal Board.
- 39.5.3 The municipality may register a caveat against the certificate of title for the land that is subject to the order. The caveat shall be discharged when the order has been complied with.
- 39.5.4 If the person fails or refuses to comply with the order or an order of the Subdivision and Development Appeal Board, the Designated Officer may:
- (a) obtain an injunction from the Court of Queen's Bench to enforce the Bylaw;



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- (b) enter into or upon the land or building and take any action necessary to carry out the order; and
- (c) charge the owner of the land the cost of the action, collected in like manner as taxes owing against the property.

**39.6 Appeals**

39.6.1 Development and subdivision appeals shall be in accordance with the Act.

