

CITY OF PRINCE ALBERT

BYLAW NO. 3 OF 2015

A Bylaw of The City of Prince Albert to establish a Local Appeal Board for matters relating to Property Maintenance and Standards.

WHEREAS the Council of The City of Prince Albert deems it necessary and appropriate to establish a local appeal board for matters relating to property maintenance and standards, pursuant to section 329 of *The Cities Act, 2003*.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as "The Property Maintenance Appeal Board Bylaw".

Purpose

2. The purpose of this Bylaw is to establish a local appeal board for appeals of:
 - (a) orders to remedy property nuisances;
 - (b) orders to enforce minimum building standards;
 - (c) any other orders under Section 328 of the Act, unless another appeal body is prescribed by Bylaw.

Statutory Authority

3. The authority for this Bylaw is Sections 55, 100 and 329 of the Act.

Interpretation and Definitions

4. In this Bylaw:
 - (a) "Act" means *The Cities Act*;
 - (b) "Board" means the Property Maintenance Appeal Board established in Section 5;
 - (c) "City" means The City of Prince Albert;
 - (d) "Council" means the Mayor and Councillors of the City elected pursuant to the provisions of The Local Government Election Act;
 - (e) "Maintenance and Occupancy Bylaw" means Bylaw No. 38 of 2011, and any amendments, or any successor to that Bylaw;
 - (f) "Property Amenities Bylaw" means Bylaw No. 14 of 2007, and any amendments, or any successor to that Bylaw;

Establishment of the Board

- 5.(1) The Property Maintenance Appeal Board is hereby established and designated as a local appeal board pursuant to Section 329 of the Act.
- (2) The Board shall, where requested:
 - (a) hear appeals of orders made pursuant to Section 328 of the Act;
 - (b) hear appeals of orders made pursuant to *The Maintenance and Occupancy Bylaw*, and
 - (c) hear appeals of orders made pursuant to *The Property Amenities Bylaw*;
 - (d) hear appeals of orders made pursuant to other Bylaws, approved by City Council, related to maintenance of property and buildings in The City.

Responsibilities

- 6.(1) The Board shall recommend Policies and Procedures for the appeal process for approval to City Council.
- (2) The Board may, on an appeal pursuant to Section 329 of the Act or pursuant to *The Maintenance and Occupancy Bylaw, The Property Amenities Bylaw* or any other applicable approved Bylaw:
 - (a) confirm, modify or repeal the order appealed from; or
 - (b) substitute its own order or decision for the order being appealed from.

Membership

7.
 - (a) The Board shall consist of not less than three (3) members and no more than five (5) members, appointed by resolution of Council;
 - (b) That the term of each Board member is for a calendar year, January to December, including an election year;
 - (c) Appointments to the Board shall be for two (2) years;
 - (d) All members of the Board shall hold office until their successor is appointed; and,
 - (e) No member of Council is eligible to sit as a member of the Board.

Oath

8. Upon appointment of the term, all board members shall take and subscribe to an oath or affirmation before a person authorized to administer an oath or affirmation.

Quorum and Meetings

- 9.(1) A majority of the Board appointed constitutes a quorum and no business is to be transacted unless there is a quorum present.

- (2) A majority vote by those present shall be a vote of the Board, but on any question on which there is an equality of votes, the question shall be deemed to be decided in the negative.
- (3) The Board shall hold its meetings open to the public.

Pecuniary Interest or Conflict of Interest

10. No member of the Board shall hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest within the meaning of Section 115 of the Act.

Remuneration

11. Remuneration and expenses paid to members of the Board, if any, shall be approved by a Resolution of City Council.

Secretary

- 12.(1) The City Clerk or his designate shall act as Secretary to the Board.
- (2) Where a designate of the City Clerk acts as Secretary to the Board, that designate may exercise the powers of the City Clerk with respect to the Board.

Jurisdiction

13. The Board has no jurisdiction to hear appeals on Orders made by Public Health, Fire Services, and other services unrelated to Section 328 of the Act. Any inconsistencies between this Bylaw and *The Cities Act, The Uniform Building and Accessibility Act, The Fire Prevention Act, 1992, The Public Health Act* and any other bylaw relating to building construction, fire safety or public health, will default to the provision that establishes the higher standard to protect the health, safety, and welfare of the general public.

Repeal of Bylaws

14. Bylaw No. 2 of 2010, and any amendments thereto is hereby repealed.

Coming Into Force

15. This Bylaw comes into force on the day of passage.

INTRODUCED AND READ A FIRST TIME THIS 19 DAY OF JANUARY ,AD 2015.

READ A SECOND TIME THIS 19 DAY OF JANUARY ,AD 2015.

READ A THIRD TIME AND PASSED THIS 19 DAY OF JANUARY ,AD 2015.



MAYOR



CITY/CLERK