

Crackdown on vacant property owners takes effect ? but question remains over access

By Brock Weir

Measures getting strict on owners of vacant properties came into effect last month, but the month ahead promises to provide clarity on just whether bylaw officers will need a warrant to enter onto these properties as they now have to do if they want to step onto occupied land.

These questions were raised around the Council table last month as lawmakers signed off on a new bylaw regulating vacant buildings.

The new regulations have been in the works since April 2017 and includes a formal registry of vacant buildings.

Under the new rules, owners of vacant properties will have 90 days to register, including their names, addresses, secondary contact information of someone who can come out to the building in question, should there be an issue, with 48 hours notice, dates on which the buildings are expected to be occupied, contact information for persons or companies directed to perform maintenance and, upon request, provide a detailed floorplan of the building.

Owners must now update the vacant building registry within 14 days of any changes to previously provided information while also posting an emergency contact sign in a prominent place on the property. Registrations must be renewed every year or upon sale, and must give the Town 10 days notice before any expected re-occupancy of the building.

The new bylaw also outlines rules surrounding power of entry for the municipality should any reasons arise.

But questions were raised around the Council table on whether this is compatible with the one-year pilot currently underway at the Town which will require bylaw officers to obtain a court warrant to enter onto a private property if the owner refuses entry.

Councillor Tom Mrakas, who was one of the primary proponents of this pilot project, however, said vacant buildings should be exempted from the warrant policy so staff can deal with issues within the powers given to them under Provincial legislation.

The Councillor suggested an amendment be made to the bylaw on the floor. However, Aurora's Manager of Bylaw Services, Techa van Leeuwen, said that it would be cleaner to amend the separate document governing entry protocols rather than the bylaw itself.

While Councillor Wendy Gaertner seconded Councillor Mrakas' motion, Councillor Jeff Thom had reservations.

‘This seems like a fairly large procedure to undertake,’ said Councillor Thom on having this discussion at the very end of the Council meeting. ‘Which bylaw is being amended? Which section? Which part? We typically get reports on this kind of stuff, so I would just like to know. It doesn't seem like anyone has the answer, so I will be voting against it. What remonstrance from the public do we afford anyone who owns a property who may wish to look into this item when we are just amending at the passing of a separate bylaw?’

Councillor Paul Pirri, on the other hand, said he was fine with bylaw officers not seeking a warrant in the case of a vacant property. ‘I am having a hard time justifying how some people can be in favour of property rights and not letting somebody onto your property in one circumstance, but if a property is deemed vacant, then you think it is okay to forego somebody's property rights,’ he said. ‘I am fine with this because [it is] my position that we shouldn't be going to get a warrant all the way through.’

At the end of the day, the bylaw was passed as it was presented. The door, however, was left open by Council and Ms. van Leeuwen for further consideration this September on amending the standard operating guidelines to address Councillor Mrakas' concerns.

‘This should assist in all matters related to vacant buildings,’ said Ms. van Leeuwen. ‘It gives us the authority to ask for documents, to ask for inspections by qualified people, and there are a number of [other] things. We have left it fairly open so we have the tools necessary to deal with the situation.’

A vacant building, as defined under the bylaw, is ‘any building that is or appears to be vacant, partially vacant or unoccupied; or that, by reason of its unfinished or dilapidated condition, appears to be in a state such that there is little or no control over unauthorized entry.’

It does not include a home occupied seasonally and otherwise well-maintained throughout the year in compliance with property standards, a detached building elsewhere on the property that serves a larger building, or a building owned by a public authority. According to Ms. van Leeuwen, at the time of the bylaw's passage, about 60 buildings in Aurora were registered as vacant.