



Dangerous or Unsightly Premises and Properties

Frequently Asked Questions

This document is intended to act as a guide and explanation to Town of Woodstock By-Law No. 604, A By-Law Respecting Dangerous or Unsightly Premises and Properties. The text of the legislation will always take precedence over this guide.

Q: What gives the Town of Woodstock the right to tell someone what to do on their property?

A: The Local Governance Act of New Brunswick lays out the roles and responsibilities of a municipality, and section 10 (1) (d) says a municipality may make a by law regulating dangerous and unsightly premises and properties.

Q. Where can I find the Local Governance Act of New Brunswick?

A: <https://www.canlii.org/en/nb/laws/stat/snb-2017-c-18/latest/snb-2017-c-18.html>

Q: Why does the bylaw look like it does?

A: The Local Governance Act says in section 128 (2) that if a municipality does make a bylaw, it needs to match what is in the legislation in sections 130 to 143, so the bylaw simply references those sections.

Q: What does “unsightly” mean, and what can the Town do about it?

A: Section 131 (1) says a property is unsightly if there are ashes, junk, rubbish or refuse, or if there is an accumulation of woods shavings, paper, sawdust or left over construction material on the property. It is also unsightly if there is a derelict vehicle, equipment, or machinery, or a dilapidated building. The Town can ask the owner to clean it up.

Q: What about an empty building?

A: If an empty or unoccupied building is a hazard to the public -section 131 (2) -, the owner can be asked to repair or demolish it. It could be a hazard if it is easy to get into, is a fire hazard, or could injure someone. Note the Town must prove that the building is a hazard, not just that it is empty.

Q: What if a building is occupied, but unsafe?

A: If a building, occupied or not, is deemed to be structurally unsound and unsafe, the Town can order it demolished (Section 131 (3)).

Q: How does a complaint related to a property get made?

A: If you have a concern about a property, email PublicSafety@WoodstockNB.ca with your concerns, your contact information, and as much information as you can provide. The bylaw officer will investigate to determine if the concern falls within the guidelines and a file needs to be opened. Alternatively, an investigation can be started by the bylaw officer, or at the request of Town Council.

Q: What happens when a file is opened?

A: The bylaw officer will contact the property owner, advise them of the concern, and attempt to have it corrected cooperatively within a reasonable time frame. Note the owner will not be advised of who made a complaint. Only if the Town cannot identify the owner, or the owner refuses to cooperate, will it move to a Letter to Comply.

Q: What is a Letter to Comply?

A: A Letter to Comply is a formal notice given to the owner of the property, or their representative, detailing the complaint, the required action and time frame. The owner is legally responsible to comply, or to be subject to fines.

Q: Can an owner appeal a Letter to Comply?

A: An appeal may be filed with the Clerk of the Town of Woodstock by registered letter using the Notice of Appeal form that is part of the bylaw. This must be done within fourteen (14) days of receiving the letter to comply. Within thirty (30) days, the Clerk will advise of the date, time and place of the Appeals hearing. The appeals committee may affirm, modify or rescind the Letter to Comply.

Q: What if the owner loses the appeal?

A: If the owner is dissatisfied with the result of the appeal, they may file a further appeal with a judge of the Court of Kings Bench within 14 days of receiving the decision from the Appeal board. They will be asked to demonstrate to the judge that either correct procedure was not followed, or that the decision was unreasonable. The judge may affirm, modify or rescind the Letter to Comply.

Q: What happens if the owner still does not comply?

A: If, after all appeals, the owner does not comply within the specified time, the matter goes to Town Council. They may choose to commence proceedings to collect the fines, to do the cleaning, repair or demolition themselves, or, in rare cases, decide to take no further action.

Q: If the Town does the work themselves, who pays?

A: If the Town does the work, or hires the work done, they will attempt to collect from the owner, and if unable to do so, will bill the Province of New Brunswick. The Province will, under most circumstances, then pay the Town and add the amount to the owners property tax bill that the owner eventually must pay.

Q: What if the situation is an emergency?

A: If the bylaw officer determines that there is an emergency posing an imminent danger, immediate action may be taken by the Town or its representatives to remove the danger, prior to issuing a Letter to Comply.