

Submitted by the Council of the Town of Willow Bunch.
Resolution passed February 2nd, 2024 Greater Bylaw Enforcement Powers

WHEREAS with authority granted by *The Municipalities Act*, municipalities in Saskatchewan have enacted bylaws concerning nuisance properties, zoning, and other bylaws within their communities. These bylaws have been put in place to maintain community standards and to make our communities safe and comfortable places to live; and

WHEREAS these bylaws are difficult to enforce when payment of fines associated are voluntary and ratepayers who commit bylaw infractions need more motivation to take corrective action;

resources as larger urban municipalities to effectively collect fines issued for bylaw infractions, which includes spending general municipal funds for legal fees and making applications to the court, as outlined in Section 370 of *The Municipalities Act*; and the dollar amount of certain fines for bylaw infractions would be used up to pay for legal fees, defeating the purpose of fine issuance; and

WHEREAS in some cases attempts to enforce bylaws are met with legal actions. Enforcement via the courts is expensive. Councils, seeing the potential problems and expenses, become reluctant to enforce bylaws or avoid using bylaws all together to avoid the possibility of financial loss. Legal costs can wreak havoc on the limited budget of a small community. With little effort or expense, a resident can place his or her community in jeopardy; and

WHEREAS municipalities need a wider range of power and autonomy to enforce bylaws within their communities;

THEREFORE BE IT RESOLVED that the Saskatchewan Urban Municipalities Association lobby the Provincial Government to provide greater local autonomy for municipalities when enforcing bylaws and in performing governance and management duties/functions.

Background information:

In 2015 the Town of Willow Bunch was faced with legal proceedings as a result of an Order to Remedy for several nuisance properties (owned by one property owner) that was not completed by the property owner and for which the town proceeded with implementation of the requirements (clean up). These properties had been cited for violation of the Nuisance Abatement bylaw consistently from 2008 to 2015. Several letters, registered letters, meetings with property owner (where we tried to work with them and offer assistance) and ultimately Orders to Remedy took place. Most of which were disregarded and over the years the different councils were reluctant to proceed. A significant amount of municipal time and money spent to no avail.

This changed in 2015 when the council at that time had had enough, and engaged a legal counsel to review the latest Order to Remedy, to ensure the Municipality had sufficient material within the Order to Remedy document, prior to issuing it. The order was ignored and council proceeded with engaging a contractor and 4 days of clean up took place. Clean up costs were in excess of \$30,000. This was added to the tax roll. Property owners filed a legal claim against the Town, the Town lost. The judge said our Order to Remedy was too broad. The Town appealed and lost the appeal. The \$30,000 invoice was absorbed by the Town and the property owners filed a second claim for punitive damages. This was finally settled in 2024.

The opportunity to have a little more autonomy or authority to control these situations could go a long way in preventing this from happening.