

## CITY OF PRINCE ALBERT BYLAW NO. 2 OF 2010

*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:

### **Purpose**

1. This Bylaw may be cited as "The Property Maintenance Appeal Board Bylaw." 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 property standards;
  - (c) any other orders under Section 328 of the Act, unless another appeal body is prescribed by Bylaw.

### **Statutory Authority**

2. The authority for this Bylaw are Sections 55, 100 and 329 of the Act.

### **Interpretation**

3. In this Bylaw:
  - "Act" means *The Cities Act*;
  - "City" means the municipal corporation of the City of Prince Albert or the geographical area contained within its limits, as the context requires;

"Board" means the Property Maintenance Appeal Board established in Section 4;

"Council" means the Council of the City of Prince Albert;

"Maintenance and Occupancy Bylaw" means Bylaw No. 6 of 2003 titled "*The Maintenance and Occupancy Bylaw*", or any successor to that Bylaw;

"Property Amenities Bylaw" means Bylaw No. 14 of 2007 titled "*The Property Amenities Bylaw*", or any successor to that Bylaw;

#### **Establishment of the Property Maintenance Appeal Board**

4.(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 in accordance with Section 329 of the Act, unless another appeal body is specifically prescribed by Bylaw;
- (b) hear appeals of orders made pursuant to *The Maintenance and Occupancy Bylaw* in accordance with that Bylaw and Section 329 of the Act; and
- (c) hear appeals of orders made pursuant to *The Property Amenities Bylaw* in accordance with that Bylaw and Section 329 of the Act;

#### **Membership**

5. The Board shall consist of three members appointed by resolution of Council with each appointment being for a term of two (2) years.

#### **Quorum and Voting**

6. A majority of the whole Board is necessary to form a quorum and no business is to be transacted unless there is a quorum present.

7. 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.

**Appeal Decisions**

- 8.(1) On an appeal pursuant to Section 329 of the Act or pursuant to *The Maintenance and Occupancy Bylaw*, the Board may:
- (a) confirm, modify or repeal the order appealed from; or
  - (b) substitute its own order or decision for the order being appealed from.
- (2) On an appeal pursuant to Section 329 of the Act or pursuant to *The Property Amenities Bylaw*, the Board may:
- (a) confirm, modify or repeal the order appealed from; or
  - (b) substitute its own order or decision for the order being appeal from.

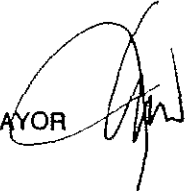
**Secretary**

- 9.(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, including that of signing his or her name in the capacity of Secretary to the Board, in the stead of the City Clerk, to resolutions passed at any meeting.

**Coming Into Force**

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

INTRODUCED AND READ A FIRST TIME THIS 8th DAY OF March ,AD 2010.  
READ A SECOND TIME THIS 8th DAY OF March ,AD 2010.  
READ A THIRD TIME AND PASSED THIS 8th DAY OF March ,AD 2010.

MAYOR 

  
CITY CLERK