

CHANGES TO THE MINIMUM PROPERTY STANDARDS BY-LAW

BUILDINGS AND INSPECTION SERVICES DEPARTMENT OF THE CITY OF SAINT JOHN

On November 4, 2008, the Minister of Local Government for the Province of New Brunswick approved the new Saint John Minimum Property Standards By-law. This by-law was rewritten to incorporate the enhanced enforcement provisions for municipalities in the 2007 changes to the Municipalities Act. The new by-law continues to enforce the Residential Properties Maintenance and Occupancy Code and also sets enhanced standards that will improve safety and quality of life.

What is the Minimum Property Standards By-law?

The Minimum Property Standards By-law is a by-law that sets standards for maintenance and occupancy of residential buildings in Saint John. These standards help to ensure the safety, health and well-being of those who live in and use the properties; that is, everyone who lives in the City. The by-law applies to all residential properties in the City, but is usually only enforced on properties or units that are rented. In general, tenants do not have control over the condition, upkeep and standards of maintenance of units they rent. This by-law provides the minimum standards expected for all housing in the City.

Why is it important?

Everyone deserves to live in housing that meets at least minimum standards. It is important to set these standards so that all citizens of Saint John live in housing that protects their personal safety, health and well-being.

What are the most common problems you see?

Some common problems include:

- Problems with exits, including no secondary exits where required, and blocked exits
- Unsafe decks, stairs and landings
- Bedroom windows that are too small
- Smoke detectors that do not work

Will my rent go up?

The by-law has been in place since 1982. Costs to maintain and fix properties should already be included in any rent. Applying the updated by-law should not increase the price of rent.

Will my tax assessment go up?

Applying an updated by-law should not increase tax assessments.

Will it cost me a lot of money to fix my building?

It will depend on what needs to be fixed. However, these standards are not new and have been a requirement in the by-law in the past.

Who are the inspectors?

All inspectors who conduct Minimum Property Standards inspections are employees of the Buildings and Inspection Services Department of the City of Saint John.

What does the inspector do?

The inspector will visit all areas of the building (all dwelling units, services rooms and basements) to ensure that standards of the by-law and Residential Properties Maintenance and Occupancy Code are being followed. The inspector will send a list of any violations to the property owner and will follow up to make sure the necessary work is done.

What do I do if I note violations of the by-law in my apartment?

If you note violations of the by-law or Residential Properties Maintenance and Occupancy Code in your apartment or apartment building, you should first bring these to the attention of the landlord. He or she may not be aware of the problem. If nothing is done, you may contact the Buildings and Inspection Services Department at 658-2911. Please note that any disputes between tenant and landlord are best directed to the Office of the Rentalsman at 1-888-762-8600.

Is this for Saint John residents only?

The Minimum Property Standards By-law applies within the City of Saint John boundaries. If you don't live in the City of Saint John and have concerns about your property standards, contact your municipality.

Who is the Buildings & Inspection Services Department of the City of Saint John?

The Buildings & Inspection Services Department of the City of Saint John ensures the safety of our residents by providing building inspection and enforcement of our Building By-law. The department is responsible for the issuance of building and plumbing permits and enforcement of other City By-laws including the

Saint John Unsightly Premises and Dangerous Buildings By-law and the Saint John Minimum Property Standards By-law. The department also heads the City's facility management division.

Where can I find more information?

You can contact the Buildings and Inspection Services Department at 658-2911. A copy of the Saint John Minimum Property Standards By-law is available on-line at www.saintjohn.ca. Click on the link for By-laws under the heading of Popular Services.

What should I be aware of?

- A charge can be laid in Provincial Court for not complying with a Notice to Comply. A judge can impose a fine starting at \$1000.00 for property owners who are found guilty. If the offence has continued for a period of time, the fine may include an additional amount in the range of \$240.00 per day that the offence continues to a maximum fine of \$5120.00 per day the offence continues.
- A ticket can be issued for non-compliance with the by-law. For property owners, the ticket amount for non-compliance is \$1000.00
- The City of Saint John could opt to fix the problem on the premises, or a part of it. The cost of the remedial work would be billed to the property owner and if the bill is unpaid, becomes a debt due to the municipality. The province can be requested to apply the unpaid bill to the owner's property taxes and the cost of carrying out the work can form a lien on the property.
- The Notice to Comply can also be registered with Service New Brunswick. This means that the Notice to Comply will follow the property and will be applied to all subsequent property owners from the date the Notice to Comply was first issued.

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