

Date: January 9, 2025

To: **Standing Committee on Public Safety**

Name and title: Eric Depenau, Director of Administrative Services

Subject: Discussion on Vacant Buildings

Attachment(s):

1. Questions & Considerations Document – Vacant Buildings
2. City of Prince George Nuisance Abatement Bylaw
3. Community Charter – Remedial Action
4. City of Prince George Property Maintenance Bylaw

Recommendation(s):

That the Committee RECEIVES FOR INFORMATION the report dated January 9, 2025 from the Director of Administrative Services, titled “Discussion on Vacant Buildings”.

Purpose:

This report is provided at the committee’s request as an item identified in the work plan.

Background:

The committee has requested comments on the City’s:

- Liability and responsibility to protect vacant buildings
- Liability and access to vacant land and unsightly properties
- Requirements of owners to address vacant buildings, land and unsightly properties
- Enforcement of bylaws related to addressing vacant buildings, land, and unsightly properties

The attached discussion document and suite of bylaws share information on these topics. The content should not be mistaken for legal advice.

Summary and conclusion:

This report is intended to support conversation on vacant buildings and related considerations.

Respectfully submitted:

Eric Depenau, Director of Administrative Services

Prepared with support by: Shawn Smith, Manager of Risk and Procurement.

Approved:

Andy Beesley, Acting City Manager/Director of Civic Facilities and Events

Meeting date: 2025/02/18

Public Safety Committee Report Questions & Considerations

Questions

1. 6A. Liability and responsibility to protect vacant buildings
2. 6B. Liability and access to vacant land and unsightly properties
3. 6C. Requirements of owners to address vacant buildings, land and unsightly properties
4. 6D. Enforcement of bylaws related to addressing vacant buildings, land, and unsightly properties

Summary of Considerations

Policy decisions that are followed by municipal officials are usually indemnified by the courts

- Mandatory enforcement regimes (e.g. building codes) do not usually give risk of liability for municipalities when enforcing such regimes
- Where municipal officials exercise enforcement discretion, officials should ensure that all actions taken are reasonable under the law
 - Courts usually dismiss cases against municipalities where risks are not created by municipalities
 - For discretionary enforcement, courts give broad latitude to municipalities to implement if the reasonableness component is maintained during enforcement
- Unreasonable discretionary enforcement can give rise to liability for municipalities as determined by courts
 - Ineffective or inconsistent enforcement of legislation or other mandates (e.g. bylaws) can give rise to liability for municipalities even though the purpose of legislation is not to protect private financial interests (e.g. taxi licenses)
 - Close collaboration between municipalities and other persons or groups, where those groups come to rely on municipalities' actions, can increase the likelihood for liability for municipalities
- Improving a situation or circumstance the City controls after an issue has occurred is not necessarily a cause for liability to arise if the conditions in place before the incident were already reasonable.
 - Plaintiffs may pursue claims based on post incident improvements regardless
 - Municipalities are subject to risks of liability under **Occupiers Liability Act** for premises and defenses rely on reasonableness of municipality actions in limiting risks to others

Opinion Articles

Discretionary enforcement / Negligent enforcement, Charles M. Hoopstra / (Municipal Liability Risk Management)

- Private law tort of negligent enforcement is well established in case law
- Enforcement decisions by statutory officers such as Chief Building Official (or their designates) require reasonable exercise of authority in all circumstances
- **Building Act** (BC) / **Building Code Act** (ON) has a mandatory inspection scheme where official discretion is constrained. So, the issue of an official's discretion does not apply to these parts of the inspection or approval work.
- The well-known caselaw used for judicial decisions is **Kamloops v Nielsen**. This case establishes *prima facie* duty of care in enforcement for municipal officials.
 - These duties can only be negated by a policy decision made by municipalities through bylaws, policies, procedures, etc. that are established by the highest municipal leadership levels with the establishment processes recorded
 - For non-mandatory schemes (e.g. not building code) courts give more latitude to officials in determining how enforcement occurs.
 - Courts typically dismiss cases where government officials were not responsible for creating risks for others
 - Courts are not generally concerned with “direct” or “vicarious” liability questions, OR “agency” of particular people
- **Metro Taxi v Ottawa** was a suit brought by a taxi operators coalition against the City of Ottawa for new law (Taxi bylaw) and related to the City allowing Uber to operate illegally in violation of the existing bylaw. The City was determined by the court to be negligent for this non-enforcement and this left the City open to being liable for taxi coalition damages. Some key points of that case are:
 - The City argued the bylaw wasn't intended to protect private financial interests, but rather consumer protection, and the court agreed.
 - But the court found that close collaboration of the City with taxi operators created a City “duty of care” to the operators.
 - The City was determined by the court to have failed to go after Uber corporation for license violations, by only fining drivers who worked for Uber in violation of the taxi bylaw
 - The court indicated what the City “could have done”, e.g. cease and desist letter to Uber. Some legal commentators find this action by the court as problematic as it goes beyond interpreting the law and offering suggestions of a solution
 - The court determined “inadequate enforcement” on the part of the City, but this was not determined to be negligence on the City's part
- Supreme Court determination on this case was analyzed by Conway Litigation as follows:
 - The City was negligent in not effectively enforcing its own bylaw on taxis. The subsequent economic damage was determined by the court to be foreseeable by the City
 - The City's negligent enforcement did not infringe on taxi plate holders rights under the **Human Rights Code**
 - Specifically, the fees collected by the City under bylaw are not an illegal tax

- The court left the issue of damages open but determined any damages must be closely linked to City enforcement actions or omissions

Post Accident Remedial Actions by Owner/Occupier as Determinative of Liability?

- The leading case addressing this is ***Sapia v Invermere***, where an elderly person fell outside senior's hall. Afterwards, the building owner added a yellow line to show elevation change in the parking lot where the accident occurred
- This case speaks to the issue of "fixing" something after an incident and whether doing this is evidence of liability for the incident or an admission of liability through such remedial actions.
- The basis for court decisions in this case includes:
 - The court found that there were already other indicators or warnings of the elevation change in the parking lot that were in place at the time of the accident. There was no need to add a yellow line for safety to demarcate as determined by the court
 - Such remedial action by the Owner in this case was not determinative of liability as a result
- The case of ***Cahoon v Wendy's Restaurant*** determined that steps taken after an accident can change a reasonably safe area to one that is more than reasonably safe.
 - But it can also change from unsafe to reasonably safe. So, action after the fact is "merely a factor to be considered in answering the question of whether the areas ...was reasonably safe...". Other key points from Hoogbruin & Company commentary:
 1. Municipalities are subject to a duty of care for premises under the ***Occupiers Liability Act***
 2. The duty of care for a City is one of reasonableness (e.g. what would a reasonable person do?)
 3. Seniors should receive a higher standard of care in considering reasonableness.
 4. Negligence arises from creating through action or inaction an "objectively unreasonable risk of harm"
 5. Regulatory compliance by a party does not automatically preclude civil liability for negligence
 6. Remedial after actions are not necessarily determinative of liability
 7. Previous safe use of a site or location is considered in court cases but is not determinative on its own
 8. The burden of proof for negligence and liability remains on plaintiff for these situations.

References

Bylaws

1. Zoning Bylaw, No. 7850 (Bylaw)
 - a. All changes to development must comply with bylaw and be in accordance with the Official Community Plan.
 - i. OCP outlines development principles and policies.
 - ii. OCP seeks to adapt to changes and desired improvements in planning, including strengthening downtown and neighborhood centers
 - iii. OCP land use suitability has several factors
 - iv. OCP makes the downtown more attractive to biz and individual
2. Adoption of OCP, No. 8383 (Bylaw)
 - a. Mandates adoption of OCP: includes land use planning, restrictions, developments,
3. Nuisance Abatement and Cost Recovery Bylaw No. 8940 (Bylaw)
 - a. Nuisance details must be known and shared via report to Bylaws Mgr.
 - b. Mgr. recommends abatement actions and maybe requests Council order
 - c. Owner failure to comply may result in cost recovery per this bylaw and ***Community Charter or the Offence Act***
4. Building Bylaw No. 9482
 - a. Intends to cover the design, construction, occupancy, alternation, reconstruction, demolition, removal, relocation and occupancy for the general public interest
 - b. The owner must obtain permits for all the above or stop work when an order is issued. Do not occupy orders must be complied with as well
 - c. Compels repair of muni assets if damaged during private construction
 - d. Building official is provided reasonable entry
 - e. Permits can be revoked if violation of permit conditions exist
 - f. Enforcement under this bylaw is made pursuant to ***Offence Act, and LGBNE Act***
5. Business Regulation and Licensing Bylaw No. 9040
 - a. All businesses require licenses to operate in the City
 - b. Issuance and revocation are in the scope of the City
 - c. Businesses subject to any regulations or restrictions must meet all those requirements prior to applying for a license
 - d. Council can revoke a business license
6. Bylaw Notice Enforcement Bylaw No. 8813
 - a. 30 days compliance following notice
 - b. Notices must be issued as described in the bylaw
7. Public Notice Bylaw No. 9329
 - a. Outlines City responsibilities to make public notification, locations, timing, etc.
8. Comprehensive Fees and Charges Bylaw No. 7557
 - a. Schedule of fees, licenses, and charges possible by the City
9. Election and Political Signs Bylaw No. 8867
 - a. Applies “only” to election signs, their placement and removal practices
10. Fire Protection and Emergency Response Bylaw No. 8272
 - a. Applies to prevention and suppression of fires and regulating related things
 - b. Fire Chief can take any measures for fire protection of City and citizens, including enforcement measures, orders, etc.
 - c. Rights of intervention and entry exist for incidents and cannot be interfered with

- d. Limits presence of fire hazards, waste, or other fire risks
 - e. Must have up to date plans and contacts
 - f. Violations can result in fines, which appear in a schedule
11. Garbage Collection Regulation Bylaw No. 7661
 - a. Regulates garbage handling and applies to all occupiers
 - b. Garbage must be placed in containers described in this document
 - c. City can remove unapproved garbage at occupier's expense, collected as all other taxes
 12. Noise Control Bylaw No. 3848
 - a. No property is permitted to cause noise that disturbs the quiet. Applies to owners and occupiers.
 - b. Owners cannot permit any nuisance to exist on their property
 - c. Property repairs are contemplated as are other remediations
 - d. City rights of entry and removal exist, fines possible
 13. Nuisance Abatement and Cost Recovery Bylaw No. 8940
 - a. The City has authority to direct and intervene for noncompliance. Nuisance interferes with use of any area or causes injury to health, comfort or convenience
 - b. Includes many objectionable circumstances, e.g. unsanitary, liquids, odour, littering, trespassing, etc.
 - c. No person shall permit nuisances to exist, but Council may issue orders to abate
 - d. City may abate and charge owner and recover costs, or fine
 14. Property Maintenance Bylaw No. 8425
 - a. Owners or occupiers are responsible for implementing these provisions.
 - b. Prevents garbage, unsightliness, unsanitariness, graffiti, noxious weeds, hazardous bushes/trees, derelict vehicles, unsafe walks, unsafe equipment, pests, demolition materials,
 - c. Must secure vacant buildings, prevent dilapidated structures, maintain exteriors
 15. Safe Streets Bylaw No. 9209
 - a. Obstructive street solicitation not permitted, after dark, drug use in public, drug paraphernalia, open burning, graffiti,
 - b. Violations can be fined, property seized
 16. Sign Bylaw No. 7202
 - a. Govern size, placement, permitting of signs
 17. Parking and Traffic Bylaw No. 6056
 - a. Governs parking in City areas, roads, and covers locations, parameters, limits, regulation actions, penalties, removal,
 18. Responsible Animal Ownership Bylaw No. 8898
 - a. Dogs licensed and not at large, not dangerous, not defecating, on a leash, unattended, not a nuisance,
 - b. Offences and penalties are described
 19. Garbage Collection Regulation Bylaw No. 7661
 - a. Governs collection of garbage and owner placement, containers, etc.

Policies & Procedures

1. Tow Procedure for On & Off-Street Bylaw Offences (Administrative Procedure)
 - a. Towing for life safety or traffic hazard & abandoned/uninsured. Officer determines
 - b. [Tow Procedure 2014.pdf](#)
2. Clean up of Biohazards on Public Property (Administrative Procedure)
 - a. Crime/emergency/investigation may create biohazards that exist on City property and clean up required to protect public. Acme cleaning called
3. Community Standard for the Exterior Maintenance of Buildings and Other Structures (Policy)
 - a. Protects from unsightly, hazardous and blighting conditions, and provides abatement
 - b. Requires exteriors maintained in “workmanlike manner”
4. Crime Prevention through Social Development (CPSD) (Policy)
 - a. CPSD strategies reduce the availability and attractiveness of opportunities for criminal activity

CITY OF PRINCE GEORGE
BYLAW NO. 8940

A Bylaw of the City of Prince George to regulate, prohibit, and impose requirements in relation to the abatement of nuisances, and to provide for recovery of the costs of nuisance abatement where undertaken by the City.

WHEREAS it is desirable for the protection and enhancement of the well-being of the community to regulate and require the abatement of nuisances in the City;

AND WHEREAS it is undesirable for the costs incurred in the abatement of nuisance on private property to be paid by the public;

AND WHEREAS pursuant to sections 8(3)(h) and 64 of the *Community Charter*, Council has the authority to regulate, prohibit and impose requirements in relation to nuisances;

AND WHEREAS pursuant to section 17 of the *Community Charter*, Council has the authority to direct that if a person subject to a requirement fails to take the required action, the City may fulfill the requirement at the expense of the person and recover the costs incurred from that person as a debt;

AND WHEREAS pursuant to section 194 of the *Community Charter*, Council may by bylaw impose fees payable in respect of municipal services and the exercise of regulatory authority.

NOW THEREFORE, the Council of the City of Prince George, in open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION

1.1 Definitions

In this Bylaw:

“City” means the City of Prince George;

“Council” means the council of the City of Prince George;

“Fire Chief” means the person duly appointed as such from time to time and includes any person appointed or designated by the Fire Chief to act on his behalf;

“land” means any lot, block or other area in which land is held or into which it is subdivided and includes any improvement on a parcel but excludes streets, lanes, and municipal parks and public spaces;

“nuisance” means any activity which substantially and unreasonably interferes with a person’s use and enjoyment of a highway, park or other public area or of land a person owns or occupies, or which causes injury to the health, comfort or convenience of an occupier of land, and without limiting the generality of the foregoing, includes an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering, trespassing, illuminations, vibration, odour, accumulation of water or other liquids on a property, irritations, annoyances, unsanitary conditions on property, or other objectionable situations that in law are a nuisance;

“occupier” means any person who occupies land, or who is qualified to maintain an action for trespass in respect of the land, or who is in possession of the land under a lease, licence, agreement for sale or other agreement with the owner of the land;

“owner” means means any person in relation to the land who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale, and in the case of provincial Crown or City owned lands, means the occupier of the land;

“person” includes any company, corporation, owner, partnership, firm, association, society or individual; and

“RCMP” means the Royal Canadian Mounted Police, when providing municipal policing services within the City.

PART 2 - PROHIBITION

2.1 Causing a Nuisance Prohibited

- (a) No person shall cause a nuisance on land he or she owns or occupies.
- (b) No person shall permit land he or she owns or occupies to be used so as to cause a nuisance.

PART 3 - NUISANCE ABATEMENT

3.1 Requirement to abate nuisance

A person who causes a nuisance or permits land he or she owns or occupies to be used so as to cause a nuisance shall abate or cause to be abated the activity which causes the nuisance.

3.2 Order for Nuisance Abatement

- (a) If a person fails to abate or fails to cause to be abated an activity that causes a nuisance, Council may issue a written order directing that the owner or occupier abate or cause to be abated the nuisance.

- (b) Before Council makes an order under section 3.2(a), the owner or occupier must be provided an opportunity to be heard by Council in respect of the matter.

3.3 City May Abate Nuisance

If an owner or occupier who is subject to an order under section 3.2(a) fails to abate or cause to be abated the activity causing the nuisance, the City, by its employees, contractors and agents, and by the RCMP, may abate or cause to be abated the activity which causes the nuisance in accordance with section 17 of the *Community Charter*.

3.4 Entry on Property

- (a) In accordance with section 16 of the *Community Charter*, the following persons are authorized to enter onto property to inspect and determine whether the requirements of this Bylaw are being met, and to carry out an action authorized under section 3.3 of this Bylaw:
 - (i) a member of the RCMP;
 - (ii) the Manager of Bylaw Services;
 - (iii) a Bylaw Enforcement Officer;
 - (iv) an Animal Control Officer;
 - (v) a Building Inspector;
 - (vi) a Plumbing Inspector;
 - (vii) the Supervisor of Building Inspection;
 - (viii) the Fire Chief;
 - (ix) the Deputy Fire Chief;
 - (x) the Assistant Fire Chief;
 - (xi) the Chief Fire Prevention Officer;
 - (xii) a Fire Prevention Captain/Lieutenant/Officer; and
 - (xiii) a Fire Fighter.
- (b) For the purposes of carrying out an action authorized under section 3.3 of this Bylaw, Council delegates to the Manager of Bylaw Services, the power to authorize a person, as the City's contractor, to enter onto property in accordance with section 16 of the *Community Charter*.

PART 4 - COST RECOVERY**4.1 Cost Imposition**

The City may impose the costs of abating a nuisance in accordance with section 3.3 of this Bylaw on one or more of the following:

- (a) a person causing the nuisance;
- (b) the occupier of land from which the nuisance emanates; and
- (c) the owner of land from which the nuisance emanates.

4.2 Cost Recovery

The City may recover the costs imposed under section 4.1 in accordance with:

- (a) section 231 of the *Community Charter*, as a debt due and recoverable in a court of competent jurisdiction;
- (b) section 258 of the *Community Charter*, in the same manner as property taxes; or
- (c) in any other manner authorized by law.

4.3 Costs Recoverable

The costs recoverable by the City for nuisance abatement under this Bylaw shall be determined and calculated in accordance with Schedule "A" to this Bylaw.

4.4 Offence

A person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 (ten thousand dollars) and not less than \$200.00 (two hundred dollars), together with the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act* (British Columbia.)

4.5 Continuing Offence

Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

PART 5 - GENERAL PROVISIONS

5.1 Severability

If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity shall not affect the validity of the remaining portions of this bylaw.

5.2 Citation

This bylaw may be cited as the "City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018".


READ A FIRST TIME THIS **8th** DAY OF **JANUARY** , 2018.

READ A SECOND TIME THIS **8th** DAY OF **JANUARY** , 2018.

READ A THIRD TIME THIS **8th** DAY OF **JANUARY** , 2018.

All three readings passed by a **UNANIMOUS** decision of Members of City Council present and eligible to vote.


Certified correct as passed Third Reading, this **16th** day of **January** , 2018.



CORPORATE OFFICER OF
THE CITY OF PRINCE GEORGE

ADOPTED THIS **5th**
BY A **UNANIMOUS**
PRESENT AND ELIGIBLE TO VOTE.

DAY OF **FEBRUARY** , 2018,
DECISION OF ALL MEMBERS OF CITY COUNCIL



MAYOR



CORPORATE OFFICER

CITY OF PRINCE GEORGE NUISANCE ABATEMENT BYLAW NO. 8940, 2018

SCHEDULE "A"

The costs referred to in section 4.3 of this Bylaw are to be determined in part by multiplying the following hourly rates for the following individuals, vehicles or equipment involved in the abatement of a nuisance by the time spent by those individuals, and the time those vehicles and equipment are used, in the abatement of the nuisance.

(a) Staff and Personnel Cost Recovery

The following hourly rates apply for every hour or part thereof which any of the following City employees and RCMP members use to carry out the abatement of a nuisance where authorized under section 3.3 of this Bylaw. Depending upon the day of the week, the time of day, or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times.

City Hall Employees	Hourly Rate (with overhead) Rounded to Nearest Dollar
Manager of Bylaw Services	\$85
Bylaw Enforcement Officer	\$45
Animal Control Officer	\$40
Parking Control Officer	\$38
Building Inspector I	\$50
Building Inspector II	\$53
Building Inspector III	\$56
Plumbing Inspector	\$56
Supervisor, Building Inspection	\$65

RCMP	Hourly Rate (with overhead) Rounded to Nearest Dollar
Superintendent	\$111
Inspector	\$100
Staff Sergeant	\$85
Sergeant	\$78
Corporal	\$71
Constable	\$65

Fire/Rescue	Hourly Rate (with overhead) Rounded to Nearest Dollar
Fire Chief	\$95
Deputy Fire Chief	\$89
Assistant Chief - Suppression	\$77
Chief Fire Prevention Officer	\$86
Fire Prevention Captain	\$75
Fire Prevention Lieutenant	\$67
Fire Prevention Officer	\$62
Captain - Suppression	\$67
Fire Fighter	\$55

(b) Vehicle and Equipment Cost Recovery

The following hourly rates apply for every hour or $\frac{1}{4}$ hour portion thereof where any of the following equipment and vehicles are used by City employees, RCMP or Fire Department personnel to carry out the abatement of a nuisance where authorized under section 3.3 of this Bylaw. Depending upon the day of the week, the time of day or the holiday status of when such services are required, the hourly rate may be increased by one and a half or two times.

Equipment and Vehicles	Hourly Rate in Dollars
City Truck - Light	\$10
City Vehicle - Other	\$50
Fire Truck - Rescue	\$100
Fire Truck - Pumper	\$150
Fire Truck - Aerial	\$250
Fire Truck - Tanker	\$150
Fire Vehicle - Inspector/Service	\$60
RCMP Vehicles	\$15

(c) Contractor Cost Recovery

For any work carried out by a contractor of the City to carry out the work required under section 3.3 on behalf of the City, the costs imposed will be the actual cost of the work plus 15% of the contract value.

Division 12 — Remedial Action Requirements

Council may impose remedial action requirements

- 72 (1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [*hazardous conditions*],
 - (b) matters or things referred to in section 74 [*declared nuisances*], or
 - (c) circumstances referred to in section 75 [*harm to drainage or dike*].
- (2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement
- (a) may be imposed on one or more of
 - (i) the owner or lessee of the matter or thing, and
 - (ii) the owner or occupier of the land on which it is located, and
 - (b) may require the person to
 - (i) remove or demolish the matter or thing,
 - (ii) fill it in, cover it over or alter it,
 - (iii) bring it up to a standard specified by bylaw, or
 - (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.
- (3) In the case of circumstances referred to in section 75, a remedial action requirement
- (a) may be imposed on the person referred to in that section, and
 - (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

Hazardous conditions

- 73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
 - (b) a natural or artificial opening in the ground, or a similar matter or thing;
 - (c) a tree;
 - (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
 - (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.
- (2) A council may only impose the remedial action requirement if
- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
 - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3)
 - (i) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

Declared nuisances

- 74 (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
 - (b) a natural or artificial opening in the ground, or a similar matter or thing;
 - (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
 - (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).
- (2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

Harm to drainage or dike

- 75 A council may impose a remedial action requirement if a person has
- (a) obstructed, filled up or damaged a ditch, drain, creek or watercourse that was constructed or improved under this Act or the *Local Government Act*, or
 - (b) damaged or destroyed a dike or other drainage or reclamation work connected with it.

Time limit for compliance

- 76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.
- (2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.
- (3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

- 77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to
- (a) the person subject to the requirement, and
 - (b) the owner of the land where the required action is to be carried out.
- (2) In addition, notice of the remedial action requirement must be mailed to
- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
 - (b) any other person who is an occupier of that land.
- (3) A notice under this section must advise
- (a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and

- (b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

- 78** (1) A person who is required to be given notice under section 77 (1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.
- (2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.
- (3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.
- (4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.
- (5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

Shorter time limits in urgent circumstances

- 79** If the council considers that there is a significant risk to health or safety if action is not taken earlier, the resolution imposing the remedial action requirement may
- (a) set a time limit under section 76 [*time limit for compliance*] that is shorter than the minimum otherwise applicable under subsection (2) of that section, and
- (b) set a time limit for giving notice under section 78 [*persons affected may request reconsideration*] that is shorter than the limit otherwise applicable under subsection (2) of that section.

Recovery of municipal costs through sale of property

- 80** (1) This section applies to remedial action requirements in relation to the following:
- (a) matters or things referred to in section 73 (1) (a) [*unsafe and non-complying structures*];
- (b) matters or things referred to in section 74 (1) (a) [*nuisances in relation to structures*];
- (c) matters or things referred to in section 74 (1) (d) [*nuisances in relation to things in or near structures*] that are in or about a matter or thing referred to in section 74 (1) (a).
- (2) Subject to this section, if a remedial action requirement has not been satisfied by the date specified for compliance, the municipality may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.
- (3) The earliest date on which the municipality may sell property referred to in subsection (2) is the later of
- (a) the date specified for compliance, and
- (b) 60 days after the notice under section 77 (1) [*notice to affected persons*] is given.

- (4) If a municipality sells property under this section, it
- (a) may retain from the proceeds
 - (i) the costs incurred by the municipality in carrying out the sale, and
 - (ii) if applicable, the costs incurred by the municipality in exercising its power under section 17 [*municipal actions at defaulter's expense*] that have not yet been paid by the person subject to the requirement, and
 - (b) must pay the remainder of the proceeds to the owner or other person lawfully entitled.
- (5) For certainty, the authority under this section is in addition to that provided by section 17 [*municipal action at defaulter's expense*].



Last Update: February 2017

Property Maintenance Bylaw

Bylaw No. 8425, 2012

CONSOLIDATED VERSION
CITY OF PRINCE GEORGE PROPERTY MAINTENANCE BYLAW NO. 8425, 2012

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject bylaw. Copies can be obtained through the Legislative Services Division at City Hall.

AMENDING BYLAW	EFFECTIVE DATE	AMENDMENTS
8819, 2017	February 6, 2017	<i>(Sections 19, 20, 21, 22, 23, 24, 25, 26, Schedules A and B)</i>

CITY OF PRINCE GEORGE
BYLAW NO. 8425, 2012

A Bylaw of the City of Prince George to regulate the Standard for the Maintenance of Property (Land & Buildings) within the City of Prince George.

WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property in the City;

AND WHEREAS unsightly conditions have been found to exist from place to place throughout the City;

AND WHEREAS the existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods;

AND WHEREAS the abatement of such conditions will improve the general welfare and image of the City;

AND WHEREAS pursuant to the City of Prince George's statutory powers, including Sections 7, 8, 9, 12, 15, 16, 17, 39, 154 and 155 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements with respect to this statutory authority; and

AND WHEREAS the intent of the Property Maintenance Bylaw is to protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods; to provide for the abatement of such conditions; and to prescribe standards for the maintenance of property.

NOW THEREFORE the Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

Amending
Bylaw

CITATION

1. (1) That this Bylaw may be cited for all purposes as the "City of Prince George Property Maintenance Bylaw No. 8425, 2012".
- (2) That the "City of Prince George Maintenance Bylaw No. 3302, 1978" is hereby repealed.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

"**Accessory Building**" means a building, the use or intended use of which is ancillary to that of the principal building situated on the same lot.

"**Alien Invasive Species**" means the species of animals listed in Schedule 1 of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation B.C. Reg. 144/2004.

“**Authorized Person**” means the person employed as the Manager, Bylaw Services, or a person or persons designated in writing by the Manager, Bylaw Services to carry out any act or function under this bylaw;

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy.

“**Bylaw Enforcement Officer**” means the Manager, Bylaw Services for the City, and every Bylaw Enforcement Officer employed to inspect and enforce any bylaw of the City.

“**City**” means the City of Prince George.

“**Council**” means the council of the City of Prince George.

“**Community Charter**” means the *Community Charter*, SBC 2003, c. 26.

“**Dangerous Wildlife**” means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the *Wildlife Act*, R.S.B.C. 1996, c.488.

“**Derelict Vehicle**” means a Vehicle which is any one or more of the following:

- (a) physically wrecked or disabled;
- (b) not capable of operating under its own power;
- (c) not displaying a current and valid licence plate in accordance with the Motor Vehicle Act.

“**Graffiti**” means one or more letters, initials, symbols, marks, slogans, designs or drawings howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the head of the Operations Department;
- (b) a sign authorized pursuant to the City’s applicable bylaw provisions regulating signs;
- (c) a public notice authorized by a City bylaw or by provincial or federal legislation; and
- (d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.

“**Land**” means any lot, block or other area in which land is held or into which it is subdivided and includes any improvement on a parcel but excludes streets, lanes, and city-owned parks and open spaces.

“**Motor Vehicle Act**” means the *Motor Vehicle Act*, RSBC, 1996, c.318.

“**Noxious Weeds**” means the plants designated as weeds in the Weed Control Act, R.S.B.C. 1996, c.487 and Regulations as amended from time to time.

“**Occupier**” means any person who occupies Land, or who is qualified to maintain an action for trespass in respect of the Land, or who is in possession of the land under a lease, licence, agreement for sale or other agreement with the Owner of the Land.

"Owner" means any person in relation to the Land who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale. In the case of Crown or municipal owned Lands, Owner shall mean the Occupier of the Land.

"RCMP" means the police force retained by the City.

"Refuse" means all manner of rubbish or garbage, discarded or disused items, junk, filth, unused or dismantled aircraft, electronic devices, trailers, boats, vessels, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, dilapidated furniture, inoperative appliances and other similar things, unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances.

"Unightly Property" includes Land that displays any one or more of the following characteristics to such an extent that as a whole it looks unkempt, unmaintained, dilapidated or in disrepair:

- (a) the accumulation of Refuse, garbage, Graffiti, discarded materials, filth or Derelict Vehicles;
- (b) fencing materials that are broken, rotting, contain holes or cracks, or are rusted or covered with peeling paint;
- (c) landscaping plants, bushes and trees that are dead or are demonstrating uncontrolled growth;
- (d) building or structure or parts thereof that contains holes, breaks, rot or that is crumbling or cracking, or is covered with rust or peeling paint or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
- (e) any other similar conditions or disrepair and deterioration regardless of the condition of other properties in the neighbourhood.

"Vacant" in relation to a Building means a Building that is not being used for its approved purpose or not occupied.

"Vehicle" means any vehicle as defined in the *Motor Vehicle Act* and shall include, but not be limited to, snowmobiles, dirt bikes and all-terrain vehicles.

"Wildlife" has the meaning prescribed in the *Wildlife Act*.

"Wildlife Attractant" means any substance that could be reasonably expected to attract Dangerous Wildlife including, but not limited to, food products, pet food, seed, restaurant grease, or glass or metal ware or other item having contained food, but does not include game meat or the carcass of an animal defined as wildlife in the *Wildlife Act* and its Regulations as amended from time to time.

"Wildlife Act" means the *Wildlife Act*, R.S.B.C., 1996, c.488.

“Zoning Bylaw” means the City of Prince George Zoning Bylaw No. 7850, 2007, as amended or re-enacted from time to time.

APPLICATION

3. The provisions of this Bylaw apply to all Land in the boundaries of the City, and, the Owner or Occupier of the Land shall be responsible for carrying out or causing to be carried out the work required under this Bylaw in accordance with the provisions of this Bylaw.

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

4.
 - (1) No Owner or Occupier shall cause or permit Refuse, garbage or noxious, offensive or unwholesome objects or materials from collecting or accumulating on or around the Land of that Owner or Occupier.
 - (2) No Owner or Occupier shall cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.
 - (3) No Owner or Occupiers of Land shall cause or permit unsanitary conditions to exist on the Land of that Owner or Occupier.
 - (4) No person shall place Graffiti in such a manner as to be visible from a highway, public place or other Lands.

LITTERING

5. No Person shall deposit or throw Refuse, garbage or noxious, offensive or unwholesome objects or materials, on a highway, public place or Land without Buildings or structures.

NOXIOUS WEEDS AND LAWN OVERGROWTH

6.
 - (1) No Owner or Occupier shall cause or permit Noxious Weeds to grow or accumulate on the Land of that Owner or Occupier.
 - (2) No Owner or Occupier shall cause or permit the lawn on the Land of that Owner or Occupier to grow in height beyond the prevailing standard in the neighbourhood but in any event, not beyond 10 (ten) inches in height.
 - (3) No Owner or Occupier shall cause or permit any trees, hedges, bushes or shrubs or other growths that are a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public to remain on the Land of that Owner or Occupier.

DERELICT VEHICLES

7. No Owner or Occupier shall cause or permit the storage or accumulation on the Land of the Owner or Occupier of a Derelict Vehicle or parts of a Derelict Vehicle or of a wrecked, broken or dismantled trailer, boat or mechanical equipment unless the Zoning Bylaw permits the principle use of wholesaling or retailing, storing or parking of wrecked, broken or dismantled materials or equipment or Derelict Vehicles and only provided that they are stored in a manner so as not to be visible from another property, highway or other public place.

DRIVEWAYS, SIDEWALKS AND BOULEVARDS

8. (1) Every Owner or Occupier shall maintain driveways, walkways, steps, and parking spaces on the Land of the Owner or Occupier in a clean, fit and safe condition free from the accumulation of Refuse, garbage or noxious, offensive or unwholesome objects or materials so as to ensure safe passage under normal use and weather conditions.
- (2) Every Owner or Occupier shall remove all accumulations of snow and ice from all footpaths and sidewalks on and adjoining the Land of that Owner or Occupier within 4 days of the snow or ice accumulating.
- (3) Every Owner or Occupier shall maintain outdoor lighting equipment and its supports shall be kept in safe and proper working condition.
- (4) Every Owner or Occupier shall maintain any fence on the Land of that Owner or Occupier that abuts a highway in good condition and repair.
- (5) Every Owner or Occupier shall immediately repair any fence on the Land of that Owner or Occupier that abuts a highway if the fence falls into a state of disrepair.
- (6) Where the Zoning Bylaw permits the keeping of livestock on Land, every Owner or Occupier of Land that abuts upon a highway is required to erect fences on the boundary of that part of the Land that abuts the highway for the purposes of preventing livestock from straying on the highway.

PEST INFESTATIONS

9. Every Owner or Occupier of Land must prevent or cause to be prevented the infestation of the Land of the Owner or Occupier by vermin or other noxious or destructive insects or animals except Wildlife unless the Wildlife is an Alien Invasive Species or listed in Schedule B or C of the Designation and Exemption Regulation, B.C. Reg. 168/90 enacted under the *Wildlife Act*.

WATER PONDING

10. (1) No Owner or Occupier shall cause or permit water to accumulate or pond on the Land of the Owner or Occupier, unless the ponding is a natural occurrence or approval to retain water on the Land was granted by an authority having jurisdiction and the water is being retained in accordance with that approval.
- (2) No Owner or Occupier shall cause or permit any excavation or basement area left after a Building or structure is demolished to become or remain filled with water.

FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS

11. (1) No person shall store, handle or dispose of Wildlife Attractants in such a way that they are accessible to Dangerous Wildlife or members of the family *Cervidae*.
- (2) No person shall feed or attempt to feed Dangerous Wildlife, or deposit Wildlife Attractants in a place or manner that attracts Dangerous Wildlife or members of the family *Cervidae*.
- (3) No person shall place or allow a bird feeder on Land so that the bird feeder is accessible to Dangerous Wildlife. Every Owner or Occupier must keep the area below a bird feeder free of the accumulation of seed and debris from the bird feeder at all times.
- (4) No Owner or Occupier shall permit or allow fruit from a tree or bush to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Dangerous Wildlife.
- (5) The regulations, prohibitions and requirements in sections 11(1)-(4) do not apply in the circumstances set out in section 2(3)(a)-(c) of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004.

DEMOLITION SITES

12. Every Owner or Occupier shall remove or cause to be removed from the Land of the Owner or Occupier all debris and material from a demolition of any Building or structure on the Land within two (2) weeks of the demolition having taken place.

VACANT/UNSECURED BUILDINGS

13. (1) Every owner of a vacant Building must ensure that the Building is secure from unauthorized entry.

- (2) Every owner of a vacant Building that is open and unsecure shall secure the Building to the satisfaction of the Authorized Person or Bylaw Enforcement Officer within 24 hours of written notice from the Authorized Person delivered to the Owner's address as indicated in the City's Property Tax records or within 72 hours of the notice being posted on or near the front entrance to the vacant Building subject to the notice.
- (3) If the Owner or Occupier fails to comply with an order of the Authorized Person issued under paragraph 13 (2) of this Bylaw, the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of the Authorized Person and to recover the costs, including the administrative costs provided in Schedule A to this bylaw, from the Owner or Occupier of the Land which is subject to the order without further notification to the Owner or Occupier.
- (4) Every Owner or Occupier of a vacant Building secured against unauthorized entry by the City shall be issued an invoice for the costs incurred by the City to secure the Building within a reasonable time period after the work was completed and given an opportunity to appeal to Council regarding the amount of the invoice, provided the Owner or Occupier of the Land submits a written appeal to the Authorized Person with 14 days of the date of the invoice.
- (5) The appeal process provided in Paragraph 22 of this bylaw does not apply to this section. The appeal process for action taken pursuant to paragraph 13 (3) by the City to secure a Vacant/unsecured Building is provided in paragraph 13 (4).

MAINTENANCE OF PROPERTY

14. (1) Nothing in this Part shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential Land, if a lawful use requiring that material is conducted on the Land and the materials are stored in a neat and orderly fashion.
- (2) All Land shall be kept clean and free from accumulations of Refuse, junk, rubbish, brush, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- (3) All Land shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- (4) All construction conducted on Land shall be carried out in a tidy and orderly fashion, and all construction materials and equipment shall be properly stored when not in use.

ACCESSORY BUILDINGS

15. Every accessory Building on Land shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

RETAINING WALLS

16. Retaining walls on Land shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

EXTERIOR WALLS, COLUMNS AND BEAMS

17. (1) On all Land the following shall apply:
- (a) exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecure objects and materials;
 - (b) the protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the Building or structure;
 - (c) markings, stains, Graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the Building or structure; and
 - (d) all canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

ENTRY ON PROPERTY

18. (1) The authority of the RCMP to enter on Land and property in relation to this Bylaw contained in section 16 of the *Community Charter* is authorized by Council.
- (2) For the purposes of carrying out an action referred to in sections 13.(3) and 21 of this Bylaw, Council delegates to the Manager, Bylaw Services, the power to authorize a person, as the City's Contractor, to enter on property in accordance with section 16 of the *Community Charter*.

Bylaw 8819 ENFORCEMENT AND PENALTIES

19. This Bylaw may be enforced,
 - a) by an Information laid in accordance with the *Offence Act*;
 - b) by means of a ticket under the *Community Charter*;
 - c) by Bylaw Notice in accordance with the "*Local Government Bylaw Notice Enforcement Act*"; or
 - d) by a combination of the above noted methods in (a), (b) and (c).
20. With respect to enforcement further to a ticket issued pursuant to the *Community Charter*, the fines outlined in the "City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990", as amended or replaced from time to time, shall apply.
21. With respect to enforcement further to a Bylaw Notice issued pursuant to the *Local Government Bylaw Notice Enforcement Act*, the fines outlined in Schedule "B" of the "City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016", as amended from time to time, shall apply.
22. Except as otherwise provided in this Bylaw or the "City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016", and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carryout or perform any duty or obligation imposed by the Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, S.B.C., 2003, c.26* or the *Offence Act, R.S.B.C., 1996, c.338*. Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.
23. If a Bylaw Enforcement Officer determines that the regulations, prohibitions, and requirements of this Bylaw are not being met with respect to the Lands of an Owner or Occupier, the Bylaw Enforcement Officer may, by Bylaw notice, require the Owner or Occupier of the Land to comply with this Bylaw within the time period stated in the notice.
24. If an Owner or Occupier fails to comply with the direction from the Bylaw Enforcement Officer given under section 23 of this Bylaw, the Authorized Person may issue a written order directing that the Owner or Occupier comply within a time specified in the Authorized Person's order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the Land of the Owner or Occupier.

25. If the Owner or Occupier fails to comply with an order of the Authorized Person issued under paragraph 24 of this Bylaw, the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of the Authorized Person and to recover the costs, including the administrative costs provided in Schedule "A" to this bylaw, from the Owner or Occupier of the Land which is subject to the order.

Bylaw 8819 TICKETING

26. Pursuant to section 264(1)(b) of the *Community Charter*, a Bylaw Enforcement Officer, and the RCMP are designated to enforce this Bylaw; and any Conservation Officer, employed by the Province of British Columbia are designated to enforce Section 11 of this bylaw only.

Bylaw 8819 SCHEDULE

27. "Schedule "A" as attached forms part of this Bylaw.

Bylaw 8819 SEVERABILITY

28. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS THE **17th** DAY OF **DECEMBER** , 2012.

READ A SECOND TIME THIS THE **17th** DAY OF **DECEMBER** , 2012.

READ A THIRD TIME THIS THE **17th** DAY OF **DECEMBER** , 2012.

All three readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE **7th** DAY OF **JANUARY** , 2013, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"
PROPERTY MAINTENANCE BYLAW

ADMINISTRATIVE COSTS FOR TAKING ACTION AT THE DEFAULTER'S EXPENSE

Description	Section #	Cost (\$)
Administrative Cost to secure a vacant Building	13 (3)	200.00
Administrative Cost to obtain compliance at defaulter's expense	21	200.00