



Local Government / Justice

Legislative changes to help improve substandard housing (06/04/06)

NB 383

April 6, 2006

FREDERICTON (CNB) - Two new bills that will respond to the needs of New Brunswickers living in substandard housing and will improve compliance by landlords were introduced today in the legislative assembly.

Local Government Minister Rose-May Poirier and Justice and Consumer Affairs Minister Bruce Fitch announced amendments to the [Municipalities Act](#) and the [Residential Tenancies Act](#).

"These changes will give municipal bylaw enforcement officers the tools they need to make sure that negligent landlords address issues of health and safety in residential properties," Poirier said. "This is an important step forward in improving the living conditions for many New Brunswick residents."

In addition to improved compliance measures, municipalities will also have the ability to take appropriate corrective actions such as issuing tickets to landlords for violations and undertaking repairs where a landlord fails to do so, with remedial costs being added to the owner's property tax bill.

"This legislation is tough where it needs to be, while ensuring fair and consistent application to all concerned," Poirier said.

"We want to ensure that all New Brunswickers can live in safe and quality housing units," Fitch said. "The changes we are proposing will give roomers and boarders the same protections, rights and responsibilities now available to tenants under the Residential Tenancies Act."

Currently, more than 20,000 New Brunswickers are in living arrangements where they occupy a room and share a common living area with other roomers in a facility. Under the proposed changes, the Residential

Tenancies Act would be amended to include roomers and boarders. The legislation would also balance the rights and responsibilities of tenants, roomers and boarders with those of landlords.

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EDITOR'S NOTE: Background information follows. MEDIA CONTACTS: Diane Gauthier, Local Government, 506-453-3700; Gary Toft, Justice, 506-453-6543.

Backgrounder

Application of legislative provisions for slum landlords

Old provisions that will apply to ALL PROPERTIES

For all properties, municipal bylaw enforcement officers currently have the authority to:

- enter a property without a warrant;
- issue notices to property owners/occupiers to repair structures to minimum standards;
- fine, at a rate of \$240 per day, property owners/occupiers who do not comply with the notice - a category E offence (fine could be reapplied for each day the property owner/occupier does not comply);
- do remedial work, such as cleaning up or demolishing property; and
- place liens on properties, related to the cost of repair.

New provisions that will apply to ALL PROPERTIES

Municipal bylaw enforcement officers will now have the authority to:

- in case of emergencies, enter and fix the premises (end the danger), then issue a notice;
- register notices in the land registry office in order to advise prospective owners/occupiers of the notice;
- fix the premises and add remedial costs to the property owner's tax bill;
- make failure to comply with a notice a category F offence instead of category E (still a minimum fine of \$240 per day, but a higher maximum fine);
- fine property owners/occupiers if they refuse to allow municipal bylaw enforcement officers entry:
 - in emergency circumstances; or
 - to carry out remedial work (repairs, demolition) - a category F offence;
- fine property owners/occupiers who allow a residence to become a safety hazard (dangerous and unsightly premises only) - a category F offence;
- issue tickets for offences related to the enforcement of maintenance and occupancy standards and

dangerous and unsightly premises bylaws in accordance with the [Provincial Offences Procedure Act](#) (POPA); and

- serve and impose notices on managers, and serve notices on directors and officers of corporations.

Property owners/occupiers may get discounted fines for voluntary payment.

Individuals who receive a notice will now have the right to appeal.

No action can be taken against municipalities for reasonable conduct in inspections and repairs.

New provisions that will apply to LANDLORDS ONLY (not occupiers or single-family owner-occupied dwellings)

Municipal by-law enforcement officers will now have the authority to:

- fine landlords a minimum of \$1,000 for the first day of non-compliance (instead of the \$240 minimum fine applied to other property owners/occupiers). Additional days of non-compliance will be fined at \$240 per day (same rate as applied to all other property owners/occupiers);
- fine landlords if they:
 - do not comply with the maintenance and occupancy standards; or
 - refuse entry to a municipal bylaw enforcement officer for the purpose of inspection.

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