

OFFICE CONSOLIDATION

CITY OF WHITEHORSE

BYLAW 2007-06

A bylaw to regulate, control or impose prohibitions respecting the use, occupancy, alteration and remediation of properties used as controlled substance properties or grow operations.

WHEREAS section 265(a) of the *Municipal Act*, c. 154, R.S.Y. 2002 provides, in part, that Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of persons and property; and

WHEREAS section 265(h) of the *Municipal Act* provides, in part, that council may pass bylaws for municipal purposes, subject to the *Building Standards Act*, building standards or codes, and regulation, respecting the alteration of any building; and

WHEREAS section 265(m) of the *Municipal Act* provides that council may pass bylaws for municipal purposes respecting nuisances, unsightly property, noise and pollution and waste in or on public or private property; and

WHEREAS section 266(a) of the *Municipal Act* provides that council may in a bylaw passed under this division regulate, control, or prohibit; and

WHEREAS the alteration of plumbing, heating, air conditioning, electrical wiring and equipment, gas piping and fittings, appliances and accessories in or on properties used as controlled substance properties or grow operations creates danger to occupiers and neighbours and risks to the health and safety of the occupiers and neighbours; and

WHEREAS properties used as controlled substance properties or grow operations, that contravene applicable standards under the *National Building Code*, *National Fire Code of Canada*, *Canadian Electrical Code*, *National Gas Code*, *Health Act* c.106, R.S.Y. 2002, *Occupational Health and Safety Act* c.159, R.S.Y. 2002, or other applicable enactments, including bylaw requirements of the City, create risks to the health and safety of occupiers and neighbours and may reduce the value of neighbouring properties;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the “**Controlled Substance Properties Bylaw**”.

DEFINITIONS

2. In this bylaw,
“AMPHETAMINES” means amphetamines, their salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues described in

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

Schedule III of the *Controlled Drugs and Substances Act*, 1996, c.19, as amended from time to time;

“ALTERATION” means any change made to the structural, mechanical or electrical components of a building that has not been made pursuant to a permit issued under the *City of Whitehorse Building and Plumbing Bylaw*, as amended from time to time, or by the Government of Yukon;

“BUILDING” means any structure or construction, or a part thereof, for any use or occupancy and includes residential premises, and outbuildings such as storage sheds and garages;

“BUILDING CODE” means the *National Building Code of Canada*, 2005 as amended and replaced from time to time and as adopted by the *Building Standards Act* c.19, R.S.Y. 2002, as amended from time to time;

“BUILDING INSPECTOR” means the official hired by the City of Whitehorse Council to administer and enforce the provisions of the *Building Standards Act*, the *Building and Plumbing Bylaw*, and any relevant bylaws within the City including this bylaw, all as amended from time to time, who shall act under the direction of the Manager of Planning and Development Services;

“CANNABIS” means a cannabis plant within the meaning of the federal *Cannabis Act* as amended from time to time. (*Bylaw 2018-28 passed July 23, 2018*)

“CONTROLLED SUBSTANCE” means a controlled substance as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act*, 1996, c.19, as amended from time to time, but does not include a controlled substance permitted under that Act;

“CONTROLLED SUBSTANCE PROPERTY” means a property which does not meet applicable standards under the National Building Code, National Fire Code of Canada, Canadian Electrical Code, National Gas Code, Building Standards Act, or other applicable enactments including any bylaw requirements of the City, all as amended from time to time, and which fits within one of the following descriptions:

- (1) a property contaminated by, or that contains trace amounts of, chemical or biological materials used in or produced by the trade or manufacture of a controlled substance,
- (2) a property altered to manufacture, grow, store, sell, trade or barter a controlled substance, or
- (3) a property which has been used or is being used for the manufacture, growing, storage, sale, trade or barter of a controlled substance.

“DANGEROUS GOODS” means those products or substances regulated by the *Transportation of Dangerous Goods Act* 1992, c.34, and its Regulations, both as amended from time to time;

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

“DESIGNATE” means any employee of the City of Whitehorse or an authorized representative as designated by the Manager of Bylaw Services, Manager of Planning and Development Services, or the Fire Chief;

“FIRE CHIEF” means the Chief Officer of the City of Whitehorse Fire Department or designate;

“GROW OPERATION” means the cultivation of

- (1) marijuana plants in a quantity that is not authorized by the *Cannabis Act* or the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-23 as amended from time to time;
- (2) other plants that are controlled substances; and
- (3) the production of amphetamines.

(Bylaw 2018-28 passed July 23, 2018)

“HAZARDOUS CONDITION” means:

- (1) any real or potential risk of fire,
- (2) any real or potential risk to the health or safety of persons or property, or
- (3) any contravention of the *National Building Code*, *National Fire Code of Canada*, *National Electric Code*, *National Gas Code*, *Building Standards Act* or bylaws of the City, all as amended from time to time;

“INSPECTOR” means

- (1) the Manager of Bylaw Services or designate;
- (2) the Fire Chief, and every person hired by Council or the Fire Chief, as applicable, to be an officer or employee of the City’s Fire Department,
- (3) a Building Inspector,
- (4) a peace officer,
- (5) the Manager of Engineering Services or designate,
- (6) the Manager of Operations or designate,
- (7) the Manager of Land and Building Services or designate;
- (8) the Manager of Planning and Sustainability Services or designate;
- (9) a Bylaw Services Constable, or
- (10) any other person or agency as determined by the Manager of Bylaw Services or the Fire Chief;

“LAND” means real property and every estate or interest therein, whether legal or equitable;

“LETTER TO OWNER” means the letter, prescribed by the Manager of Bylaw Services of the Fire Chief, which prescribes remedial measures to be undertaken by the owner to remediate a property;

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

“MANAGER OF BYLAW SERVICES” means the manager of the Bylaw Services Department of the City of Whitehorse or designate;

“MANAGER OF ENGINEERING SERVICES” means the manager of the Engineering Services Department of the City of Whitehorse or designate;

“MANAGER OF LAND AND BUILDING SERVICES” means the manager of the Land and Building Services Department of the City of Whitehorse or designate;

“MANAGER OF PLANNING AND SUSTAINABILITY SERVICES” means the manager of the Planning and Sustainability Services Department of the City of Whitehorse or designate;

“MANAGER OF WATER AND WASTE SERVICES” means the manager of the Water and Waste Services Department of the City of Whitehorse or designate;

“OWNER” means

- (1) a person who is the registered owner of title to the property under the *Land Titles Act*, R.S.Y. 2002, c.130, as amended from time to time, and if there is more than one registered owner of title to the property, any of them;
- (2) a person who is entitled to be the registered owner on title to the property under the *Land Titles Act*;
- (3) a person shown as the owner of the property in the municipal assessment or tax roll records for the property;
- (4) any of the following persons in whom the property or any estate or interest in the property is vested or with whom decision-making responsibility legally resides:
 - (a) a guardian;
 - (b) an executor, administrator or trustee;
 - (c) an attorney under a power of attorney; or
- (6) a lessee, licensee, tenant, caretaker, user or other occupier of the property or the agent of the owner;

“PESTICIDE” means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi or animal pests or micro-organisms such as bacteria or viruses, and includes herbicides, fungicides or other substances used to control pests, and plant regulators, defolianters or desiccants;

“PROFESSIONAL CLEANER” means an individual or corporation certified by The Canadian Registered Board of Occupational Hygienists, The American Board of Industrial Hygiene, or such other certification as deemed satisfactory by the Manager of Bylaw Services or Fire Chief, experienced and qualified in removing contaminants, including but not limited to pesticides, fertilizers or chemicals used to manufacture amphetamines or controlled substances, moulds or fungi, from buildings and shall not include the owner;

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

“PROPERTY” means land and any buildings situated on the land;

“REMIEDIATION PLAN” means a written report, as prescribed by the Manager of Bylaw Services of the Fire Chief, detailing the course of action that will be taken by the owner to bring residential premises, for which a “Do Not Occupy” notice has been posted, into compliance with the bylaw;

“RESIDENTIAL PREMISES” means any building which is occupied as a dwelling unit by one or more persons;

“SERVICE FEE” means all direct and indirect costs incurred by the City associated with the inspection and removal of illegal activity, materials associated with illegal activity and by-products resulting from illegal activity at a property used as a controlled substance property or grow operation and includes, without limitation:

- (1) salaries and related personnel costs,
- (2) costs incurred for the lawful dismantling, disassembly, removal, clean up, transportation, storage, and disposal of equipment, substances, materials or other paraphernalia associated with the use, trade, business or manufacture,
- (3) costs incurred to replace consumables used, or to replace equipment following exposure to contaminants,
- (4) costs incurred for the analysis of the materials found at the property and the health or safety conditions at the property,
- (5) costs incurred for the services of an independent contractor or agent, including without limitation, a professional engineer, a consultant, a person retained to carry out construction or demolition, a health professional, an electrical inspector, or a hazardous materials professional,
- (6) costs incurred by the City’s peace officers for any action taken by them under the bylaw,
- (7) costs incurred by the Royal Canadian Mounted Police for any action taken by them under the bylaw,
- (8) costs incurred by the City’s Fire Department for any action taken by them under the bylaw including but not limited to responding to a fire caused as a result of the property being used as a controlled substance property or grow operation;
- (9) costs incurred by the City for cleaning, maintaining or repairing the City’s sanitary or storm sewers, water mains, roadways, sidewalks or other City property in relation to impacts of a controlled substance property,
- (10) costs incurred by the City to remediate the premises under this bylaw;
- (11) costs incurred for legal fees on a solicitor and client basis.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

“SPECIAL SAFETY INSPECTION” means an inspection coordinated with other such departments, jurisdictions, and contractors as is necessary to ascertain hazardous conditions or enactment contraventions that may exist under the *National Building Code, National Fire Code, National Electric Code, National Gas Code, Building Standards Act*, bylaws of the City or other enactments, all as amended from time to time;

“STRUCTURE” means an erection, repair, alteration, addition, demolition, excavation or other construction which supports a use or occupancy;

“TENANCY AGREEMENT” means an agreement between a tenant and a landlord for possession of residential premises, whether written or oral, express or implied;

“UTILITY” means a lawful provider of an electrical, sewer, water, oil, propane or such other utility service as may be established to consumers;

“UTILITY SERVICE” means the electrical, sewer, water, oil, propane, or such other utility service as may be established.

PROHIBITED USES AND ALTERATIONS OF BUILDINGS

3. A person shall not disconnect or bypass a meter installed for the purpose of ascertaining consumption of a utility service unless that person is:
 - (1) a utility; or
 - (2) a person to whom a disconnection or bypass permit lawfully required by the City has been issued.

4. No person, other than a person referred to in section 3(1) or 3(2) of this bylaw, shall reconnect the supply of a utility service, repair the utility service, or handle the utility service in any way if, as a result of the use of a property as a controlled substance property or grow operation,
 - (1) the supply of a utility service to the property has been disconnected by the City, a utility, any other lawful authority, or any person; or
 - (2) alterations or repairs have been made to a building or to a utility service, equipment, appliances or other accessories of any kind on the property contrary to, or without lawful authority under, a bylaw or other applicable codes, standards and enactments; or
 - (3) a hazardous condition exists on the property

5. A person shall not alter a building in a way that facilitates the manufacture or growth of a controlled substance or for the purpose of establishing or operating a grow operation.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

6. A person shall not divert or install exhaust vents for hot water tanks or furnaces, or any other appliance, for the purpose of producing carbon dioxide, into or within a building, except by way of an exhaust vent constructed or installed in compliance with applicable codes, standards and enactments.
7. A person shall not store dangerous goods on a property in quantities greater than permitted under the *National Fire Code*.
8. A person shall not
 - (1) construct or install any obstruction of an exit or an access to an exit in a building required under the *National Building Code* or other applicable codes, standards and enactments;
 - (2) remove fire stopping provided or required under an enactment, as amended from time to time, to contain the spread of fire within a building; or
 - (3) modify, change, remove, or in any way render inoperable any safety device or change, remove, block or modify any material or design feature that reduces fire safety.
9. A person shall not cause or allow a building to become subject to the growth of any type or variety of moulds or fungi in any quantity, arising from, or in relation to its use as a controlled substance property or grow operation.
10. A person shall not cause, allow, or permit
 - (1) a nuisance as a result of that person's use or occupancy of a property; or
 - (2) water, rubbish or unsightly, noxious, offensive or unwholesome matter to collect or accumulate in, on, under or around a property owned, used or occupied by that person.
11. Except as permitted by the Zoning Bylaw, a person shall not cause, allow, or permit in a building, the manufacture, growing, storage, transfer or disposal of a substance that emits odours, fumes or particulate matter that disturbs the enjoyment, comfort or convenience of individuals. (*Bylaw 2018-28 passed July 23, 2018*).

DISCONTINUANCE OF WATER SERVICE

12. The City may discontinue providing water service to a property if the water is being used for, or in relation to, a controlled substance property or grow operation, subject to the requirements that the City shall:
 - (1) give the owner of the parcel seven days written notice of an opportunity to make representations to the Manager of Bylaw Services with respect to the proposed discontinuance of the water service; and
 - (2) after the persons affected have had an opportunity to make representations to the Manager of Bylaw Services, the City shall give the owner seven days written notice of any proposed discontinuance of the water service.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

13. The City may, immediately and without notice, discontinue providing water service to a property if the water is being used for, or in relation to, a controlled substance property or grow operation and the continuation of providing the water service to a property is likely to cause damage to City infrastructure which shall be determined by the Manager of Bylaw Services or Fire Chief upon consultation with the Manager of Water and Waste Services.
14. The City may undertake any action it deems appropriate to protect the water service once it is disconnected.
15. Any costs associated with the discontinuance of the water service to the property shall be the responsibility of the owner.

POWERS OF THE MANAGER OF BYLAW SERVICES AND THE FIRE CHIEF

16. If the Manager of Bylaw Services or the Fire Chief has reason to believe that all or part of a property had been used or altered contrary to this bylaw, a “Do Not Occupy” Notice as prescribed may be posted in a conspicuous place at the entrances of the building, a notice that the building is unsafe and that no person may enter or occupy the building shall be delivered to the owner.
17. Where the Manager of Bylaw Services or the Fire Chief has reason to believe that there are children residing in a building in respect of which an application under this part has been made, the Director of Child and Family Services under Part 4 of the *Children’s Act* shall be notified without delay.
18. A person shall not interfere with or obstruct the posting of a “Do Not Occupy” Notice.
19. A person shall not remove, alter, cover or mutilate a posted “Do Not Occupy” Notice except with the prior written permission of the Manager of Bylaw Services or the Fire Chief.
20. The Manager of Bylaw Services or the Fire Chief may, with respect to property being used or altered contrary to this bylaw,
 - (1) enter on the property and inspect the property for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
 - (2) take measures to prevent and suppress fires, including the demolition of buildings to prevent the spreading of fires;
 - (3) order the owner of the property to undertake any actions for the purpose of removing or reducing any thing or condition considered to be a fire hazard or that may increase the danger of fire;
 - (4) order every occupier to vacate the property until the “Do Not Occupy” Notice posted under the bylaw has been removed.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

21. Without limiting section 20 of this bylaw, the Fire Chief or his designate may exercise the powers of the Fire Marshal under the City of Whitehorse Emergency Services Bylaw, and for these purposes that bylaw applies.
22. Every owner of a property shall undertake any action directed by the Manager of Bylaw Services or the Fire Chief for the purpose of removing or reducing any thing or condition that is considered a fire hazard, increases the danger of fire, or poses a risk to life.

POWERS OF INSPECTORS

23. Subject to the *Municipal Act*, an inspector may enter on a property to
 - (1) inspect and determine whether all regulations, prohibitions or requirements under this bylaw or other applicable codes, standards and enactments are being met in relation to any manner for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this bylaw or other applicable codes, standards and enactments to regulate, prohibit or impose requirements;
 - (2) to carry out a special safety inspection;
 - (3) take action authorized under this bylaw relating to inspections; or
 - (4) inspect, disconnect, remove or recommend the disconnection or removal of a water service as contemplated under this bylaw.
24. Subject to the *Municipal Act*, an inspector may attend at the property from time to time during the course of work required by or contemplated under this bylaw to ascertain that the work required of the owner is taking place and to monitor the work done by the owner.
25. An inspector may, on behalf of the City,
 - (1) acknowledge receipt of evidence from the owner of completion of work referred to in this bylaw;
 - (2) receive the written certification, documents and fees referred to in this bylaw; and
 - (3) co-ordinate a special safety inspection of the property.
26. The owner of a building or property shall, upon request, give an inspector, who is carrying out an inspection pursuant to this bylaw, such assistance as may be required to carry out the inspection.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

REMEDIATION OF PROPERTY

27. The Manager of Bylaw Services or Fire Chief shall, upon determining that a property has been used or altered contrary to this bylaw, prepare a Letter to Owner directing that the property be remediated consistent with the following requirements:
- (1) if the building contains carpets and curtains, remove and dispose of all carpets and curtains to a designated location if deemed necessary by the Manager of Bylaw Services;
 - (2) if the building is heated by forced air heating, have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a professional cleaner or by a duct cleaning company if deemed necessary by the Manager of Bylaw Services;
 - (3) have all walls, floors and ceilings in the building cleaned and disinfected by a professional cleaner or replaced as necessary if deemed necessary by the Manager of Bylaw Services; and
 - (4) have the inside and outside of all cabinets, and all countertops in the building, cleaned and disinfected by a professional cleaner or replaced as necessary if deemed necessary by the Manager of Bylaw Services.
28. The owner shall within seven days after delivery by the City of a Letter to Owner submit for approval a Remediation Plan in a form prescribed by the Manager of Bylaw Services or the Fire Chief. The remediation plan shall set out the details of the restoration strategies and a timetable with estimated dates for undertaking the restoration of the property.
29. Upon receipt of the Remediation Plan from the owner, the Manager of Bylaw Services or the Fire Chief shall, within ten days, accept or reject the Remediation Plan and, give written notice to the owner of such decision. The notice shall include:
- (1) the written decision; and
 - (2) a copy of this bylaw; and
 - (3) if the Remediation Plan is rejected, a written summary of the deficiencies of the Remediation Plan and a statement that the owner shall provide within ten working days of the receipt of the decision, a revised Remediation Plan for review and approval.
30. Upon approval of a Remediation Plan the owner of the building shall undertake all work necessary to satisfy the remedial measures prescribed in the Letter to Owner.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

31. After the remedial measures prescribed in the Remediation Plan have been satisfied, the owner shall arrange an inspection of the building by a professional cleaner. The professional cleaner shall provide to the owner certification in a form prescribed by the Manager of Bylaw Services or the Fire Chief that the remedial measures prescribed in the Remediation Plan have been satisfied, and the building is substantially free of any pesticides, fertilizers, toxic chemical contamination, moulds or fungi, consistent with Institute of Inspection, Cleaning and Restoration Certification ("IICRC") Standard S-520 as amended from time to time.
32. It is the full and sole responsibility of the owner to carry out the remedial measures prescribed in the Remediation Plan prior to removal of a "Do Not Occupy" Notice in compliance with this bylaw and all other applicable codes, standards and enactments.
33. Neither the removal of a "Do Not Occupy" Notice nor the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the City, will in any way relieve the owner from full and sole responsibility to perform work required or contemplated under this bylaw and all other applicable codes, standards, and enactments.

REOCCUPATION OF BUILDING

34. A building for which a "Do Not Occupy" Notice has been issued shall not be re-occupied until:
 - (1) a special safety inspection of the property has been carried out;
 - (2) the owner has obtained all permits, approvals or authorizations required to carry out, and has carried out, or caused to be carried out, the work necessary to bring the property into compliance with this bylaw and other applicable codes, standards and enactments which include but are not limited to those health and safety issues as prescribed by the Manager of Bylaw Services or the Fire Chief;
 - (3) remedial measures prescribed by the Remediation Plan have been completed and written certification of a professional cleaner has been provided;
 - (4) if required under other applicable codes, standards and enactments, the owner has retained a professional engineer holding a valid licence under the *Engineering Profession Act* c.75 R.S.Y. 2002, and the professional engineer has certified in writing that the building safety requirements required under other applicable codes, standards and enactments have been complied with;

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

- (5) the owner has paid all service fees and other fees imposed under this bylaw and other relevant City bylaws in relation to the inspection of the property and the issuance of permits; and
 - (6) the Manager of Bylaw Services or the Fire Chief has removed the “Do Not Occupy” Notice posted under the bylaw and a Re-occupancy Permit has been issued.
35. Before a building is re-occupied after being remediated under this bylaw, the owner shall notify any prospective occupants by Notice to Prospective Occupier, in a form prescribed by the Manager of Bylaw Services or the Fire Chief, that a building was used or altered contrary to this bylaw and has been remediated and shall submit proof of such notice to the Manager of Bylaw Services or the Fire Chief.
36. Before a property is sold after being remediated under this bylaw, the owner shall notify any prospective purchasers, on the offer to purchase, that the property was used or altered contrary to this bylaw and has been remediated, and shall submit a copy of the offer to purchase, detailing such notice, to the Manager of Bylaw Services or the Fire Chief.

DUTIES OF OWNERS OF LEASED PROPERTY

37. Every owner of a property, subject to a tenancy agreement, who discovers a contravention of this bylaw shall
- (1) upon discovery of the contravention, deliver written notice immediately to the Manager of Bylaw Services or the Fire Chief of the particulars of the contravention; and
 - (2) subject to the *Landlord and Tenant Act* c.131, R.S.Y. 2002, within 60 working days or such time frame as approved by the Manager of Bylaw Services, of the delivery of the notice, take such action as may be necessary to bring the property into compliance with this bylaw.
38. If an owner of a property, subject to a tenancy agreement, notifies the Manager of Bylaw Services or Fire Chief of a contravention of this bylaw, service fees arising in respect of that contravention shall be waived.

CITY RELIANCE

39. Neither the removal of a “Do Not Occupy” Notice nor the acceptance or review of plans, drawings or specifications or supporting documents nor any inspections made by or on behalf of the City constitute in any way a representation, warranty, assurance or statement that this bylaw or other applicable codes, standards or enactments have been complied with.

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

40. When a professional engineer, architect or other person provides certification or other documentation to the City under this bylaw, that the work required by or contemplated by this bylaw substantially conforms to the requirements of this bylaw and that the property complies with other applicable codes, standards or enactments, the City will rely solely on the documentation as evidence of conformity with these requirements and not on its receipt of plans, monitoring of the work, acknowledgement of completion, or its removal of a “Do Not Occupy” Notice.

FEES

Each time one or more inspectors enters on a property to carry out an inspection in the exercise of authority by the City to regulate, prohibit or impose prohibitions under this bylaw or other applicable codes, standards or enactments, or to attend at the property under any provision of this bylaw, the owner shall pay inspection fees as prescribed in the Fees and Charges Bylaw.

DEFAULT

41. If an owner of a property refuses, neglects or fails to comply with a requirement under this bylaw, or other codes, standards or enactments, the Manager of Bylaw Services or Fire Chief may inform the owner of such default, may enter on the property and, at its sole and absolute discretion, take such action as may be required to correct the default, including but not limited to remediating the property or bring it up to a standard specified in this bylaw or other applicable codes, standards or enactments. The City shall thereafter bill the owner for the cost of so doing and if the charges are unpaid on the last day of the current fiscal period of the City, they shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.

GENERAL INTERPRETATION

42. If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

OFFENCE AND PENALTIES

43. Any person who contravenes any provision of this bylaw is guilty of an offence.
44. Any person, who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (1) A voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect to an offence specified in Schedule “A”;
 - (2) A fine not exceeding Ten Thousand (\$10,000.00) Dollars where proceedings are commenced pursuant to the summary convictions provisions of *Criminal Code*; or

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

- (3) A fine not exceeding Five Hundred (\$500.00) Dollars where proceedings are commenced pursuant to section 9(1) of the Summary Convictions Act of the Yukon
45. In the event that, upon conviction, any fine remains unpaid for a period of time exceeding thirty days, or such longer period as determined by the court, the amount of the fine shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.
46. If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

COMING INTO FORCE

47. This bylaw shall come into full force and effect on and from the date following third reading and adoption.

FIRST and SECOND READING: August 27, 2007
AMENDED by Resolution: September 24, 2007
THIRD READING and ADOPTION: September 24, 2007

ORIGINAL BYLAW SIGNED BY:

"Bev Buckway"
Bev Buckway, Mayor

"R. I. Fendrick"
Robert I. Fendrick, CGA, City Clerk

Office Consolidation of Controlled Substance Properties Bylaw 2007-06

SCHEDULE "A" VOLUNTARY FINES

Authority	Ticket Description of Offence	Penalty
Section 3	Unauthorized disconnection or bypass of a meter	\$ 2,500.00
Section 4	Unauthorized use of a meter	\$ 2,500.00
Section 5	Alteration of building for manufacture or growth of controlled substances	\$ 1,000.00
Section 6	Diversion or installation of exhaust vents to produce carbon dioxide	\$ 1,000.00
Section 7	Storing of dangerous goods exceeding permitted quantities	\$ 5,000.00
Section 8(1)	Construction or installation of obstruction to an exit or access to an exit	\$ 5,000.00
Section 8(2)	Removal of fire stopping	\$ 5,000.00
Section 8(3)	Modify, change, remove, render inoperable safety device	\$ 5,000.00
Section 9	Cause or allow a building to be subject to a growth, mould or fungus	\$ 5,000.00
Section 10(1)	Cause, allow or permit a nuisance	\$ 1,000.00
Section 10(2)	Cause, allow or permit a collection or accumulation	\$ 1,000.00
Section 11	Cause, allow or permit the manufacture, growth, storage, transfer or disposal of a substance.	\$ 1,000.00
Section 18	Interfere or obstruct posting of notice	\$ 5,000.00
Section 19	Remove, alter, cover or mutilate a notice	\$ 5,000.00
Section 22	Failure to undertake action regarding fire hazard or danger	\$ 5,000.00
Section 26	Fail to provide assistance to inspector	\$ 1,000.00
Section 28	Fail to submit a remediation plan	\$ 1,000.00
Section 30	Fail to undertake action regarding remedial measures	\$ 5,000.00
Section 31	Fail to arrange for inspection by professional cleaner or failure to submit certification to the City	\$ 5,000.00
Section 34	Occupation or re-occupation prior to satisfying requirements	\$ 5,000.00
Section 35	Fail to notify either prospective occupants or City	\$ 5,000.00
Section 36	Fail to notify either prospective purchasers or City	\$ 5,000.00
Section 37(1)	Fail to notify of breach of bylaw under tenancy agreement	\$ 2,000.00
Section 37(2)	Fail to bring premises into compliance with bylaw	\$ 5,000.00