



## **PLEASE NOTE**

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This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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## CHAPTER U-5

### UNSIGHTLY PROPERTY ACT

#### 1. In this Act

#### Definitions

- (a) “antique motor vehicle” means a vehicle
- (i) which is at least thirty years old or a classic recognized by the Classic Car Club of America,
  - (ii) which has been certified by an inspector for authenticity, running order and safety,
  - (iii) which is an insured motor vehicle,
  - (iv) which is not used as a private passenger vehicle or for commercial purposes, and
  - (v) the owner of which is a member of the Prince Edward Island Antique Auto Club and has one or more vehicles registered in his name;
- (a.1) “Commission” means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;
- (b) “dilapidated building” includes a building which is structurally sound but by virtue of broken windows, torn roofing or other defects is in a condition of substantial disrepair;
- (b.1) “derelict motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5 that
- (i) does not display on the windshield affixed to the motor vehicle, a valid unexpired motor vehicle inspection approval sticker issued under the *Highway Traffic Act*,
  - (ii) is
    - (A) inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation, or
    - (B) in a state of disrepair or is unsightly by reason of missing doors, glass or body parts,
- but does not include an antique motor vehicle;
- (b.2) “highway” means the entire width between the boundary lines of every street, road, lane, alley, park or place where any part thereof is used by the general public for the passage of vehicles, and includes bridges;
- (c) “inspector” means any person appointed by the Minister as an inspector under this Act;

litter	(d) “litter” means (i) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof, (ii) any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of, (iii) any other thing that may be designated as litter in the regulations;
Minister	(e) “Minister” means the Minister designated by the Lieutenant Governor in Council to have the administration of this Act;
motor vehicle	(f) repealed by 1991, c.48, s.1;
order	(g) “order” means a clean-up order issued under this Act;
unsightly property	(h) “unsightly property” means any real property or part thereof upon which there is litter, derelict motor vehicles or parts thereof, dilapidated buildings, structures or parts thereof, which causes the real property or any part thereof to look unsightly. 1975, c.32, s.1; 1977, c.43, s.1; 1987, c.69, s.1; 1991, c.18, s.22; 1991, c.48, s.1; 1992, c.70, s.1.
Inspectors	<b>2.</b> (1) The Minister may appoint persons as inspectors for the purposes of this Act.
Clean-up order	(2) Where an inspector believes, on reasonable and probable grounds, that any real property is unsightly property, the inspector may issue a clean-up order. 1975, c.32, s.2; 1994, c.64, s.1.
Order issued to	<b>3.</b> The clean-up order shall be issued (a) to the owner; or (b) to the person in control, of the property that is the subject of the order. 1975, c.32, s.3.
Contents of order	<b>4.</b> The order may require the person to whom it is addressed, within a period of time that shall not be less than fourteen days from date of the service of the order (a) to remedy the condition of the property in a manner and to the extent directed in the order; (b) to demolish any dilapidated buildings, structures or parts thereof, or to remove any litter causing or contributing to the unsightliness of the property; (c) to construct anything to prevent the property from being viewed; (d) to do any other thing to remedy the unsightliness of the property; or (e) to do all or any of the matters specified in clauses (a) to (d). 1975, c.32, s.4; 1976, c.32, s.1.

- 5.** (1) The order shall be served on the person to be notified
- (a) by personal delivery thereof to that person;
  - (b) by posting the order by registered mail with postage prepaid addressed to that person at his latest known address; or
  - (c) where the address of that person is unknown by posting the order in a conspicuous place on the property.
- Service of order
- (2) The date of the service of the order under subsection (1) shall be
- (a) on the date of delivery where personal service is made;
  - (b) on the second day after deposit in the mail where service by mail is made; or
  - (c) on the date of the posting where posting is made on the property.
- Date of service deemed
- (3) Proof of the service of the clean-up order may be made by a certificate signed by the person serving the order setting forth the manner in which service was made and specifying the time of service.
- Proof of service, by certificate
- (4) A certificate made under subsection (3)
- (a) is proof of the signature of the person certifying; and
  - (b) is proof that the person named in the order received notice of the matters referred to in the order. 1975, c.32, s.5.
- Certificate proof of certain matters
- 6.** An order continues in force for period of twelve months from the date on which it is served on the person to whom it is addressed and, if that person permits the property that is the subject of the order to revert to being an unsightly property while the order is in force, he shall be deemed to have failed to comply with the order and it may be enforced against him accordingly, but without prejudice to the issue of a new order under section 2 in respect of that property. 1977, c.43, s.2.
- Duration of order
- 7.** The person to whom the order is issued may appeal within ten days of the date of service to the Commission from the order of the inspector or from any part thereof. 1975, c.32, s.6.
- Appeal to Commission
- 8.** Where an appeal is taken under section 7, the person appealing
- (a) shall prepare a notice of appeal in writing setting forth the grounds of appeal;
  - (b) shall cause a copy of the notice of appeal to be served on the Minister; and
  - (c) shall file a copy of the notice of appeal on the chairman of the Commission. 1975, c.32, s.7; 1991, c.18, s.22.
- Appeal procedure
- 9.** Upon receiving a notice of appeal, the chairman of the Commission shall cause the appeal to be set down for hearing and shall notify the Minister and the person appealing of the time and place for hearing of the appeal. 1975, c.32, s.8; 1991, c.18, s.22.
- Setting appeal down for hearing

Powers of Commission on appeal	<b>10.</b> On hearing the appeal the Commission may confirm, rescind or in any manner vary the order, and the judgment of the Commission shall be final. 1975, c.32, s.9.
Dismissal of appeal, compliance of order by appellant	<b>11.</b> Where the person on whom an order has been served appeals against the finding of an inspector and the appeal is dismissed in whole or in part by the Commission, he shall comply with those terms of the order which were appealed and dismissed within a period of time to be set by the Commission which shall not be more than thirty days from the date of dismissal of the appeal. 1975, c.32, s.10.
Failure to comply with order, remedies open to inspector	<b>12.</b> Where a person on whom an order has been served fails to comply with the order or any variation thereof made under section 10, the inspector may carry out the directives contained in the order and charge the costs of the work done to the person to whom the order was issued and the person so charged is personally liable therefor; neither the Minister nor the inspector is personally liable for any action taken under this section, nor for the costs of any goods, materials or labour incurred in exercising powers vested in the inspector under this section. 1975, c.32, s.11; 1976, c.32, s.2.
Costs under section 11 debt due Crown	<b>13.</b> (1) The costs involved in carrying out the work done under section 12 are a debt due to the Crown by the person to whom the order was issued and may be recovered from him as such.
Lien	(2) The debt referred to in subsection (1) constitutes a lien on the property of the debtor. 1975, c.32, s.12; 1991, c.47, s.1
Right of entry by inspectors	<b>14.</b> (1) An inspector may at any reasonable time enter onto or into any real or personal property, other than a dwelling for the purpose of <ul style="list-style-type: none"> <li>(a) determining whether motor vehicles causing the property to be unsightly are derelict motor vehicles as defined in this Act;</li> <li>(b) determining the ownership of the unsightly property;</li> <li>(c) determining whether a clean-up order and any variation thereof made by the Commission under this Act is being complied with;</li> <li>(d) determining whether there is a non-compliance with or violation of this Act; and</li> <li>(e) exercising the powers vested in an inspector under section 12.</li> </ul>
Offences and penalties	(2) Any person who prevents or obstructs or attempts to prevent or obstruct any entry under subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000. 1975, c.32, s.13; 1977, c.43, s.3; 1991, c.48, s.1; 1994, c.64, s.2, 1994, c.58, s.6.
Regulations	<b>15.</b> The Lieutenant Governor in Council may make regulations concerning all such matters, acts and things as are necessary for the

administration and enforcement of this Act, and in particular but not so as to restrict the generality of the foregoing, may make regulations in respect of the following matters:

- (a) designating or exempting any thing as litter;
- (b) governing the form, issue, content and nature of clean-up orders;
- (c) exempting any person or operation from any or all of the provisions of this Act;
- (d) disposal of derelict motor vehicles and any destruction of part or parts thereof; and
- (e) repealed by 1991, c.18, s.22. 1975, c.32, s.14; 1991, c.18, s.22; 1991, c.48, s.1.

**16.** The inspectors and persons acting under their instructions, or under the authority of this Act or the regulations are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given by this Act or the regulations. 1975, c.32, s.15. Limitation of liability

**17.** Every person who fails to comply with an order issued under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000, each day that the non-compliance continues after a conviction under this section constitutes a separate offence and the person who so continues to fail to comply is subject to the said fine or imprisonment for each such day upon conviction therefor under this section. 1976, c.32, s.3; 1991, c.48, s.1; 1994, c.58, s.6. Offence for non-compliance with orders

**18.** (1) No person shall have, keep or maintain, or permit to be kept or maintained, upon property which he owns or occupies, a derelict motor vehicle which is viewable from a highway. Prohibition

(2) Every person who violates this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000, and in default in payment thereof, is liable to imprisonment for thirty days. Offence

(3) Each day that the non-compliance continues after a conviction under subsection (2) constitutes a separate offence and the person who so continues to fail to comply is subject to the said fine or imprisonment for each such day upon conviction therefor under this section. Continuing offence

(4) This section does not apply to any person who has valid permit pursuant to the *Automobile Junkyards Act* R.S.P.E.I. 1988, Cap. A-25. 1991,c.48,s.1.