

Mission Public Safety Inspection Team

In May of 2006, the Province of British Columbia amended the *Safety Standards Act* to allow local governments to request electrical consumption information from BC Hydro. Excessive hydro consumption is often an indicator of a serious safety hazard. Only properties that exceed a specific threshold of hydro use are reviewed. The information can then be used by municipalities to proactively deal with potential risks identified through the inspection process. This is the foundation upon which a municipal public safety inspection team (PSIT) in Mission operates. It should be noted that there are a number of municipalities with a PSIT.

The District of Mission adopted a Controlled Substance Property Bylaw which sets out the framework under which its public safety inspection team operates. The PSIT in Mission consists of a fire inspector, building inspector and electrician, and is supported by two office staff. Once the hydro consumption data has been obtained properties with potential electrical safety concerns are identified. Research of municipal and provincial records is conducted to ascertain any legitimate explanation for the excessive hydro use. If no information is found which would account for the high consumption, the registered owner, and tenant where applicable, are contacted by PSIT and a public safety inspection is scheduled.

During the inspection, any electrical system deficiencies are noted as well as any contravention of the Building Code, *Fire Services Act* or other applicable legislation related to the health, safety and protection of persons or property.

Where the inspectors determine that a property is in contravention of the Controlled Substance Property bylaw, an inspection fee of \$4900 plus an administration fee of \$300 is charged. Inspectors also have the discretion in serious cases to place a "Do Not Occupy" order on the property which prohibits persons from occupying the dwelling. Inspectors may also request that BC Hydro disconnect power to the property where, in the inspectors' opinion, an imminent fire or safety hazard exists.

The owner will be required to remediate any deficiencies noted as a result of the inspection and to call for a final inspection to show that the required work has been completed and that the property has been fully remediated.

By charging these inspection fees, this program is able to run without any funding from municipal taxation. The inspection fees collected are used to fund the program and are not used as a revenue source for the District. The District's fees are similar in amount to a number of other municipalities.

Question & Answer

(1) Is this program only in Mission?

No, similar programs are being run in Chilliwack, Abbotsford, Surrey, and many other municipalities.

(2) Under what circumstances does the PSIT enter a private residence?

A notice is posted on the property informing the occupant that an inspection of the property is requested and that the team will be returning to the property in twenty-four (24) hours.

The team generally enters a private residence by two methods.

Firstly, upon the team return twenty-four (24) hours after the notice has been posted they enter only if the occupant agrees to allow entry. If entry is denied, the team leaves the property. Secondly, the team may then apply to a Justice of the Peace for an entry warrant to enter the property. If the warrant is not granted, no further action is taken with respect to the property. If a warrant is approved by a Justice of the Peace, the team would then enter the premises as authorized by the terms of the entry warrant.

(3) Why does the RCMP attend the property with the PSIT?

It has been well established that some of these instances of abnormal hydro consumption involve criminal enterprise. The RCMP is lawfully present at these inspections for the sole purpose of ensuring the safety of the inspection team. The RCMP presence is fully aligned with direction

articulated by the Supreme Court.

- (4) Why does a marked, versus unmarked, RCMP vehicle and a uniformed officer locate near the property?

The presence of the RCMP is for the sole purpose of ensuring the safety of the inspection team. Should the RCMP find it necessary to intervene for public safety reasons and enter onto the property to ensure the safety of the municipal inspection team, it is vitally important that the intervening officer be readily identifiable as a police officer acting in accordance with their lawful authority.

- (5) Are the fees charged just another method to increase municipal revenues?

The fees charged represent a cost recovery for the PSIT operation. The program is self-sustaining and does not operate at a cost to the taxpayer or generate general revenue to the municipality.

- (6) Does the PSIT attend residences other than reviewing hydro data for the residence?

Yes, the PSIT attend properties at the request of the RCMP where a police-led entry of a private residence has occurred. In that case the homeowner may also be levied the fee under the Controlled Substance Property Bylaw if contraventions are found. In these instances the PSIT is responding to potential observed Health and Safety concerns identified by the RCMP.

- (7) How many properties of those entered by the PSIT end up levied a fee under the Controlled Substance Property Bylaw?

Since the program inception in 2008, 350 properties have been entered and inspected, 170 of which have been levied a fee under the bylaw for contravention of the bylaw.

- (8) Is the program currently being reviewed?

There is no current general review being done of the program general format. The District of Mission is always reviewing any program with regard to general program efficiencies and is always open to suggestions on how any municipal program could be improved.

- (9) What is the role of the landlord/homeowner in the process?

The landlord/homeowner is responsible for the condition and safety of all buildings on a property and is ultimately responsible to address observed health and safety concerns.

- (10) What is the process to appeal a decision to place a fee for a property?

A homeowner or representative can meet with the PSIT senior manager to appeal a fee. Failing that, a homeowner can apply for relief through the court system to appeal a fee.

- (11) Why does the municipality consider placing a Community Charter Section 57 on property titles after a bylaw contravention where remediation of the property has not occurred?

The Section 57 Notice is authorized under the Community Charter. If granted, it is placed on a property's title to allow potential purchasers and other third parties to be aware that a contravention of the Controlled Substance Property Bylaw (or other bylaw) has occurred resulting in a safety issue and remediation has not taken place; or permits that were required haven't been obtained. The purpose of this notice is to ensure public safety by clearly identifying outstanding Health and Safety issues to future owners.

- (12) Can a Section 57 Notice on title be removed?

Yes. Once remediation has occurred and the property has been inspected by the municipality, the municipality will remove the notice on title. There is no additional cost to the homeowner to register the Section 57 notice on title or to have it removed, and it will be removed at the request of the district once remediation has occurred or the building has been demolished.