

**16.- (1) Entry to Dwellings.** Despite sections 8, 12, 15, 15.2 and 15.4, an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- (a.1) a warrant issued under this Act is obtained;
- (b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- (c) the entry is necessary to terminate a danger under subsection 15.7(3) or 17(3); or
- (d) the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8(6), to remove an unsafe condition under clause 15.(5)(b) or to repair or demolish under subsection 15.4(1). 1992, c.23, s.16(1); 1997, c.24, s.224(9),(10)

**(2) Notice.** Within a reasonable time before entering the room or place for a purpose described in clause (1)(d), the inspector or officer shall serve the occupier with notice of his or her intention to enter it. 1992, c.23, s.16(2); 1997, c.24, s.224(11).

**17.- (1) Emergency Order re Dangerous Conditions.** If upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1992, c.23, s.17(1)

**(2) Service.** The order shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the building. 1992, c.23, s.17(2)

**(3) Emergency Powers.** After making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant. 1992, c.23, s.17(3)

**(4) No Liability.** Despite subsection 31(2), the Crown, a municipal corporation, a county corporation, a board of health, a planning board or a conservation authority or a person acting on behalf of any of them is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the chief building official or an inspector in the reasonable exercise of his or her powers under subsection (3). 1992, c.23, s.17(4); 1999, c.12, Sched. M, s.7

**(5) Service.** If the order was not served before measures were taken to terminate the danger, the chief building official shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures. 1992, c.23, s.17(5)

**(6) Service of Statement.** If the order was served before the measures were taken, the chief building official shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1992, c.23, s.17(6)

**(7) Application to Court.** As soon as practicable after subsections (5) and (6) have been complied with, the chief building official shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1992, c.23, s.17(7); 2002, c.9, s.31(1)

**(8) Powers of Judge.** The judge in disposing of an application under subsection (7) shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1992, c.23, s.17(8)

**(9) Order Final.** The disposition under subsection (8) is final. 1992, c.23, s.17(9)

**(10) Lien.** If the building is in a municipality, the amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. 2002, c.17, Sched. F, Table

**(11) Deemed Taxes.** If the building is in territory without municipal organization, the amount determined by the judge to be recoverable shall be deemed to be taxes imposed under section 3 of the *Provincial Land Tax Act* for the purposes of sections 26 and 27 of that Act. 1992, c.23, s.17(11)