

**15.7- (1) Emergency Order re Dangerous Non-Conformity with Standards.** If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1997, c.24, s.224(8)

**(2) Service.** The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c.24, s.224(8)

**(3) Emergency Powers.** After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter the property in respect of which the order was made without a warrant. 1997, c.24, s.224(8)

**(4) No Liability.** Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c.24, s.224(8)

**(5) Service.** If the order was not served before measures were taken to terminate the danger, the officer 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 officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c.24, s.224(8)

**(6) Service of Statement.** If the order was served before the measures were taken, the officer 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. 1997, c.24, s.224(8)

**(7) Application to Court.** As soon as practicable after the requirements of subsections (5) and (6) have been complied with, the officer 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. 1997, c.24, s.224(8); 2002, c.9, s.25

**(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. 1997, c.24, s.224(8)

**(9) Order Final.** The disposition under subsection (8) is final. 1997, c.24, s.224(8)

**(10) Lien.** 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

**15.8- (1) Inspection Powers of Officer.**

For the purposes of an inspection under Section 15.2, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c.24, s.224(8)

**(2) Samples.** The officer shall divide the sample taken under clause (1)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 1997, c.24, s.224(8)

**(3) Same.** If an officer takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c.24, s.224(8)

**(4) Receipt.** An officer shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made. 1997, c.24, s.224(8)

**(5) Evidence.** Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c.24, s.224(8)