

**17.1- (1) Recovery of Expenditures for Repairs, etc.** This section applies if money is spent by a board of health, planning board or conservation authority or, in the circumstances described in subsection (2), by the Crown or an upper-tier municipality or, in the circumstances described in subsection (4), by a municipality,

- (a) to carry out a removal and restoration under subsection 8(6);
- (b) to carry out a renovation, repair, demolition or other action under clause 15(5)(b); or
- (c) to perform remedial or other work under subsection 17(1) where the amount spent is determined to be recoverable by a judge under subsection 17(8). 1999, c.12, Sched. M, s.8; 2002, c.17, Sched. F, Table

**(2) In Municipalities.** If the building in respect of which money was spent is in a municipality,

- (a) the upper-tier municipality, board of health, planning board, conservation authority or the Crown may instruct the municipality to recover the amount spent;
- (b) subsection 8(7), 15(9) or 17(10), as the case may be, applies to the collection of the amount; and
- (c) the money collected, less the costs reasonably attributable to the collection, shall be paid by the municipality to the upper-tier municipality, board of health, planning board, conservation authority or the Crown. 1999, c.12, Sched. M, s.8; 2002, c.17, Sched. F, Table

**(3) Not Interest of the Crown.** Where the Crown instructs the municipality under clause (2)(a) to recover the amount spent, the lien referred to in subsection 8(7), 15(9) or 17(10) is not an estate or interest of the Crown within the meaning of clause 379(7)(b) of the *Municipal Act, 2001*. 1999, c.12, Sched. M, s.8; 2002, c.17, Sched. F, Table

**(4) In Territory without Municipal Organization.** If the building in respect of which money was spent is in territory without municipal organization,

- (a) the municipality, board of health, planning board or conservation authority may instruct the land tax collector appointed under the *Provincial Land Tax Act* to recover the amount spent;
- (b) subsection 8(8), 15(10) or 17(11), as the case may be, applies to the collection of the amount; and
- (c) the money collected, less the costs reasonably attributable to the collection, shall be paid by the Crown to the municipality, board of health, planning board or conservation authority. 1999, c.12, Sched. M, s.8

**18.- (1) Powers of Inspector.** For the purposes of an inspection under this Act, an inspector may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the building or any part thereof;
- (b) inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a building or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a building 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 any person to take and supply at that person's expense such tests and samples as are specified in the order. 1992, c.23, s.18(1); 1997, c.30, Sched. B, s.11

**(2) Samples.** The inspector 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. 1992, c.23, s.18(2)

**(3) Idem.** If an inspector 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. 1992, c.23, s.18(3)

**(4) Receipt.** An inspector 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. 1992, c.23, s.18(4)

**(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. 1992, c.23, s.8(5)

**18.1.** Repealed. 2002, c.9, s.34

**19.- (1) Obstruction of Inspector, etc.** No person shall hinder or obstruct, or attempt to hinder or obstruct, a chief building official, inspector, or officer in the exercise of a power or the performance of a duty under this Act. 1997, c.24, s.224(13)

**(2) Occupied Dwellings.** A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of subsection (1) unless the inspector or officer is acting under a warrant issued under this Act or the circumstances described in clauses 16(1)(b), (c) or (d). 1997, c.24, s.224(13)