

Enforcement

Process Timeline

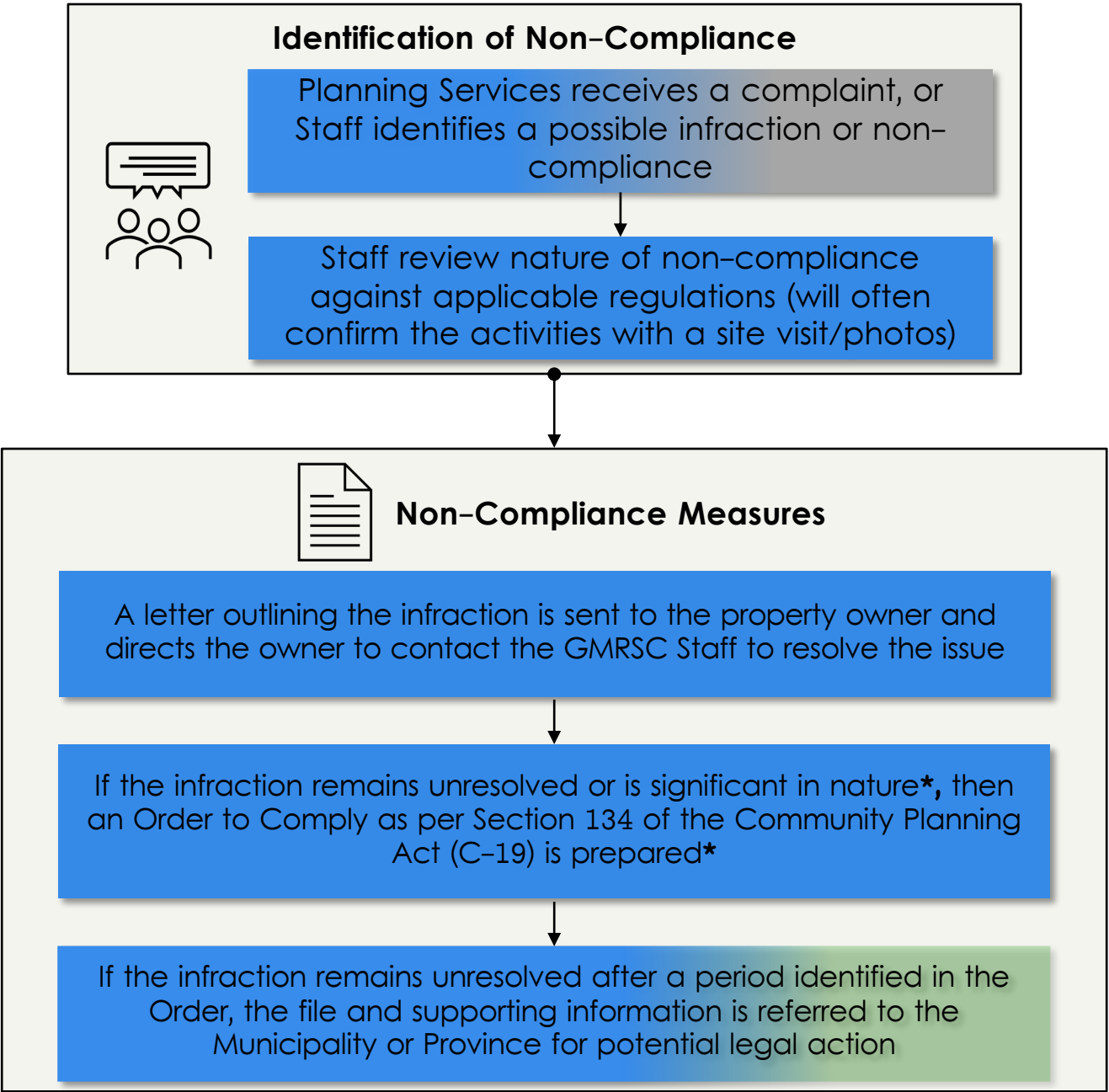
Timelines vary widely – each step usually takes 2-4 weeks

LEGEND (Action by)

Applicant

GMRSC

External Departments and Agencies



Roles, Responsibilities, and Procedures

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Applicant Responsibilities, Roles & Procedures

-Typically the public will contact GMRSC with specific complaints, or be directed to GMRSC through municipalities/external government departments; sometimes, Staff notice non-compliance first

-Non-compliance may be regarding infractions to a building by-law (including National Building Code infractions), zoning by-law, or rural plan by-law

-Compliance could include altering a development/property to be in conformance with a regulation, or applying for required development approvals as necessary

-If the infraction remains unresolved (for an extended period of time) after being referred for legal action, a letter shall be written to the municipality or province requesting clarification on the reasons why it has not been resolved

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GMRSC Responsibilities, Roles & Procedures

-Sections 135-140 of the Community Planning Act (C-19) provide the authority and tools for enforcement

-Staff consider the gravity of the infraction, effectiveness of enforcement for achieving desired results, and equitable/consistent enforcement when considering the course of action to be taken; varies greatly depending on the case

-If an Order to Comply is issued, a Land Gazette Notice is attached to the property via Service New Brunswick, to inform others of the non-compliance; removed once compliance has been achieved – also copied to Municipal Staff, or Provincial Staff if located in an unincorporated area

-If a complaint is received from a member of the public, Staff will try to keep them informed of enforcement activities/actions being taken

-*If the infraction remains unresolved or is significant in nature (i.e., a threat to human health and safety), then an Order to Comply as per Section 134 of the Community Planning Act (C-19) is prepared and either hand delivered or sent by registered mail (copy of receipt from Canada Post to be placed in the file) to the property owner

-It is the decision of the Municipality or Province to begin formal legal action against a property owner

This process has been independently reviewed by a third-party professional engineering and planning consultant and is found to be consistent with the requirements of the Community Planning Act, Local Governance Act, and with the processes used in other jurisdictions across the Province of New Brunswick.