

Town of Berwick Council Meeting

Tuesday, June 9, 2026

Town of Berwick Council Chambers

6:30 pm

AGENDA

- 1. Call to Order**
- 2. Approval of the Agenda**
- 3. Approval of the Minutes**
 - a. Public Hearing Minutes, May 12, 2026
 - b. Council Minutes, May 12, 2026
- 4. Review of Action Items**
- 5. Councillor Announcements**
- 6. New Business**
 - a. RFD013-2026: Order to Remedy
- 7. Mayor's Report**
- 8. In-Camera**
- 9. Adjournment**

Meeting Date	Action Item	Status	Comments
2025-12-09	Update on 109 Marsters Avenue Dangerous or Unsightly Property	In-Progress	See RFD 013-2026.
2024-12-10	Electricity Regulations, educational materials to provide to Council on the Council SharePoint site.	In-Progress	The manual has been uploaded to Council SharePoint. An orientation for Council, BEC and staff will be scheduled following the Special Election.
2025-02-11	Review Snow Removal Policy prior to next winter plowing season with input from Accessibility and Active Transportation.	In-Progress	Public Works is preparing an information report for Council regarding the last winter's snow removal operations and will provide an update on the policy at that time. Proposed review is July/August.
2026-04-14	Add pictures and colour to the Strategic Plan document to create a promotional version to communicate to the public.	In-Progress	Target date to complete is end of June.
2024-12-10	Reach out to other municipalities to understand how they are assessing the Code of Conduct criteria for establishing the sanctions.	Not Started	Are we required to report annually on the number of investigations? Is some tracking this information?
2026-04-14	Send thank you letters to the community members who assisted with the strategic plan development. Include a copy of the promotional version of the document and copy of strategic plan to committee members	Not Started	To be completed after the promotional version of the Strategic Plan is complete.

REQUEST FOR DECISION

RFD013-2026: Order to Remedy



To: Town Council
From: CAO
Date: June 9, 2026
Subject: Order to Remedy

References/Attachments

- Part XV, Dangerous or Unightly Premises, MGA
- Order, 109 Marsters Avenue

Recommendation

Council hereby determines that the condition of the property known as 109 Marster Avenue in the Town of Berwick is dangerous or unsightly as defined by the *Municipal Government Act*, specifically because the property contains derelict vehicles and other items, including but not limited to motor vehicles that lack license plates or current vehicle registrations, motor vehicles which appear disused by reason of mechanical condition, and a personal watercraft that appears disused by reason of its mechanical condition; and, as a result, the owner(s) of the property (as defined in the *Municipal Government Act*) are ordered to remedy this situation by complying with the following requirements no later than 3 pm on June 24:

- a. Remove from the property any motor vehicle which does not display a license plate with a current registration for that vehicle and which does not display a current motor vehicle inspection sticker if required for use of the motor vehicle on public streets, and which motor vehicle can be seen from a public street or neighbouring property; and
- b. Remove from the property any motor vehicle and any personal watercraft which is disused by reason of mechanical condition, and which motor vehicle or personal watercraft can be seen from a public street or neighbouring property.
- c. Remove from the property the multiple tires, bikes and bike parts, car parts, unused lawn care and snow removal equipment, weather worn lumber, pallets, doors, rags and other small items that are not properly stored and display no suggestion of regular use

Background

The *Municipal Government Act* (MGA) defines dangerous or unsightly property as "partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing: (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof..." Further, a "derelict vehicle, vessel, item of equipment or machinery" includes a vehicle, vessel, item of equipment or machinery that: (i) is left on property, with or without lawful authority, and (ii) appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical

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condition or, where required by law to be licensed or registered, by its lack of license plates or current vehicle registration.”

The property of 109 Marsters Avenue has been a source of numerous complaints since at least 2023. The last order was placed on the property exactly one year ago. The property owner did not comply with the order but did erect additional portable garage. Staff did not enforce the order.

On April 2, 2026, the Mayor and CAO visited the property and its owner to deliver a notice following up on the unsightly items and requirements to become compliant under the Land Use Bylaw with the portable garages. The property owner did inquire about a development permit but had not submitted an application by May 5, 2026.

On May 6, 2026, the Mayor and CAO returned to the property. The owner was not home, but a letter was left regarding the compliance and unsightly issues. We returned on May 8, 2026, and spoke to the property owner. It was clearly communicated to the property owner that if progress was not made by June 2, an Order would go back to Council for removal of the unsightly items.

The property owner has submitted a development permit application for the portable garages. The two existing garages, if relocated on the property, are permitted by the Land Use Bylaw; however, they also require buildings permits and engineering supports due to their size. This has been communicated to the property owner.

As of June 4, 2026, no progress to clean up the unsightly items has occurred and therefore, the CAO recommends an order be placed on the property. Given the extensive communication with the property owner, the order will provide two weeks to comply, or the Town will enter the property and remove the unsightly items. This will be scheduled on a date after June 24, 2026.

Public Works staff will be removing all unsightly items except for the vehicles. Labour and use of equipment will be tracked to charge the owner. The vehicle will be towed by a local company. The two portable garages will remain on site at this time while the development permit process proceeds.

The Town of Berwick currently does not have a policy delegating any Council authority to the “administrator” or a standing committee. Therefore, Council must approve any order to remedy the condition under section 346 of the MGA.

Furthermore, if the order is issued by Council, there is not a statutory right of appeal by the property owner. Council may consider a request to change or overturn the Order, but it is not required. If Council approves the order, it will be posted in a conspicuous place upon the property and sent as registered mail to the property owner.

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Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order. Any costs incurred by the Town to remedy condition shall be placed as a lien on the property.

Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

Every day during which the condition is not remedied is a separate offence.

Financial Implications

The cost of placing the order will include registered mail and staff time. Any costs incurred to remedy condition would be tracked and placed as a lien on the property.

Priority Alignment

Strategic Alignment	Connection to Strategic Plan
Community Well-Being & Inclusion	
Infrastructure	
Environmental Sustainability	
Economic Development	
Administrative	
Not Applicable	Not applicable to the strategic plan.

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Alternatives

Council may choose not to place an order on the property or direct staff to try other ways to remedy the situation.

Community Engagement/Communication

Staff will comply with the requirements of the *Municipal Government Act* to notify the property owner of the Order.

CAO Comments

See recommendation.

CAO Initials: JB

Target Decision Date: June 9, 2026