



# THE DISTRICT OF NORTH VANCOUVER

## PROPERTIES INVOLVING CONTROLLED SUBSTANCES BYLAW

### BYLAW 7494

Effective Date – September 13, 2004

#### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

#### Original Bylaw

[Bylaw 7494](#)

#### Date of Adoption

September 13, 2004

#### Amending Bylaw

[Bylaw 8038](#)  
Bylaw 8559

#### Date of Adoption

April 7, 2014  
May 30, 2022

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Properties Involving Controlled Substances Bylaw – Bylaw 7494). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

## BYLAW 7494

A Bylaw to remediate Hazardous Conditions on Properties involving Controlled Substances and to provide for the recovery of costs.

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The Council of the District of North Vancouver enacts as follows:

### Title

1. This bylaw may be cited as the “**PROPERTIES INVOLVING CONTROLLED SUBSTANCES BYLAW**”.

### Interpretation

2. In this Bylaw,

**Amphetamines** include dextroamphetamines and methamphetamines;

**Alteration** means any change made to the structural, mechanical or electrical components of a **Building** for the purposes of a **Grow Operation**;

**Building** means any **Structure** or part of a structure for any use or occupancy;

**Building Inspector** means the chief building inspector for the District, and every building inspector appointed by the District to inspect buildings or structures in respect of **Building**, plumbing, gas or electrical standards;

**Controlled Substance** means a “controlled substance” as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act*, 1996 c. 19, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully permitted under the District’s Business License Bylaw;

**Controlled Substance Property** means:

- (a) a property contaminated by chemical or biological materials used in or produced by the trade or manufacture of a **Controlled Substance**; or
- (b) a property modified to trade or manufacture a **Controlled Substance**; or
- (c) a property which has been used for the ingestion, use, sharing, sale, trade or barter of a **Controlled Substance** therein or thereon; and
- (d) which no longer meets the applicable standards under the British Columbia Building Code, British Columbia Fire Code, Health Act or other applicable regulations including any bylaw requirements of the District of North Vancouver.

**Dangerous Goods** means those products or substances regulated by the *Transportation of Dangerous Goods Act* and its Regulations, both as amended from time to time;

**Fire Chief** means the person who is appointed to be head of North Vancouver Fire and Rescue Services and every person designated by Council by name of office or otherwise to act in the place of the Fire Chief;

**Flammable and Combustible Liquid** for the purposes of this bylaw are as classified under the British Columbia Fire Code;

**Grow Operation** means the cultivation of marijuana plants or mushrooms or the production of **Amphetamines**;

**Hazardous Conditions** means:

- (a) any real or potential risk of fire; or
- (b) any real or potential risk to the health or safety of persons or property; or
- (c) any unapproved **Building** modifications made to the property; or
- (d) repairs needed to the property;

arising or resulting from the use or contamination of a property as a **Controlled Substance Property**.

**Inspector** means

- (a) the **Fire Chief**, and every person appointed by Council or the **Fire Chief**, as applicable, to be an officer or employee of North Vancouver Fire and Rescue Services;
- (b) the Chief **Building Inspector** for the District, and every **Building Inspector** appointed by the District to inspect **Buildings** or **Structures** in respect of **Building**, plumbing, gas or electrical standards;
- (c) a peace officer, including a member of the Royal Canadian Mounted Police;
- (d) the Director of Sustainability, Planning and Building Services;
- (e) the Director of Engineering and Operations;
- (f) the Director of Corporate Services;
- (g) a Bylaw Enforcement Officer;
- (h) a property use inspector;
- (i) the deputy of a person, officer or employee referred in paragraphs (a) to (f);
- (j) other persons designated by Council by name of office or otherwise to act in the place of the persons, officers or employees referred to in paragraphs (a) to (h);

**Owner** includes the lessee of a **Building** or part of a **Building**;

**Parcel** includes land and any improvement comprised in a parcel;

**Pesticide** means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi or animal pests or microorganisms such as bacteria or viruses, and includes herbicides, fungicides, other substances used to control pests, plant regulators, defoliants or desiccants;

**Professional Cleaner** means an individual or corporation experienced and qualified in removing contaminants from **Buildings** and includes the **Owner**;

**Re-occupancy Permit** means permission or authorization in writing by the **Building Inspector** to re-occupy any **Building** or part thereof in respect of which the **Building Inspector** has issued an order to cease occupancy because of a hazardous condition;

**Residential Premises** means any **Building** or part of a **Building** which may lawfully be occupied as a dwelling unit by one or more persons.

**Service Costs** means all direct and indirect costs incurred by the Royal Canadian Mounted Police, the District of North Vancouver Fire and Rescue Services and of the Vancouver Coastal Health Authority associated with the inspection and removal of the illegal activities, materials associated with illegal activities, and by-products resulting from illegal activities at a **Controlled Substance Property** and includes:

- (a) salaries and related personnel;
- (b) costs incurred for the dismantling, disassembly, removal, clean up, transportation, storage, and disposal of equipment, substances, materials and other paraphernalia associated with such use, trade, business or manufacture;
- (c) costs incurred from the replacement of consumables used, or the replacement of equipment following exposure to contaminants;
- (d) costs incurred as a result of the analysis of the materials found at the property and the health and safety conditions at the property;

**Special Safety Inspection** means an inspection coordinated with other such departments, jurisdictions, and contractors as is necessary to review **hazardous conditions** that may exist and to issue such orders as are applicable pursuant to the British Columbia Building Code, British Columbia Fire Code, Health Act and other such regulations and bylaws within the District;

**Structure** means an erection, repair, **Alteration**, addition, demolition, excavation or other construction which supports a use or occupancy;

**Tenancy Agreement** means an agreement, whether written or oral, expressed or implied, having a predetermined expiry date or not, between a landlord and tenant respecting possession of premises, including **Residential Premises**.

### **Building and Safety Standards**

- 3. (a) No person may disconnect from an electrical, natural gas or water distribution system a meter installed for the purpose of ascertaining consumption of electricity, natural gas or water if the disconnection is for the purpose of preventing the electrical, natural gas or water supplier from ascertaining consumption.
- (b) If, as a result of the use of a property as a **Controlled Substance Property**:
  - (i) the supply of electricity, water or natural gas to a property has been disconnected by the District or any other lawful authority;
  - (ii) unauthorized **Alterations** or repairs have been made to structural, electrical, water or gas systems, equipment, appliances or other accessories of any kind; or

(iii) a **Hazardous Condition** exists on the property;

then the supply of electricity, water or natural gas must not be permanently reconnected and the property must not be occupied or used until:

(iv) the **Owner** or occupant has applied to a **Building Inspector** for a **Special Safety Inspection** pursuant to this section;

(v) the property has been inspected by the **Building Inspector** and all other lawful authorities having jurisdiction over the supply of electricity, water or natural gas, for compliance with all health and safety requirements of the District's bylaws and any provincial statute or regulation relating to building, electrical, water, health, gas, or fire safety as amended from time to time;

(vi) the **Owner** or occupant has obtained all permits, inspections, approvals or authorizations required to carry out the work necessary to bring the property into compliance with the District's bylaws and all provincial statutes and regulations;

(vii) all of the work referred to in this section has been completed and inspected by the **Building Inspector** and all other lawful authorities having jurisdiction and the Property is in compliance with the District's bylaws and all applicable provincial statutes and regulations, as amended from time to time; and

(viii) the Owner or occupant has paid all Service Costs and fees imposed by Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481 and other relevant District Bylaws in relation to the inspection of the property and the issuance of permits, and the Building Inspector has issued a Re-Occupancy Permit for the property.

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4. No person may divert or install exhaust vents of hot water tanks or furnaces to exhaust into or within the **Building** instead of by way of an exhaust vent constructed or installed in compliance with applicable enactments.
5. No person may store or use **Dangerous Goods** in a **Building** in quantities greater than permitted under the British Columbia Fire Code as amended from time to time.
6.
  - (a) No person may construct or install in a **Building** or **Structure** a trap or other device which could have the effect of causing death or bodily harm to a person entering the **Building** or **Structure**, including an **Inspector** under this bylaw.
  - (b) No person may construct or install any obstruction of an exit or an access to an exit required under the British Columbia Building Code or other enactment, as amended from time to time, or remove fire stopping that is provided or required under an enactment to contain the spread of fire within a **Building**.
7.
  - (a) The **Building Inspector** or **Fire Chief** may post a notice containing the words "Unsafe – Do Not Enter or Occupy" in a conspicuous place at the entrances of a **Controlled Substance Property**.
  - (b) No person may:
    - (i) interfere with or obstruct an **Inspector** from posting a notice referred to in paragraph (a); or
    - (ii) remove, alter, cover, or mutilate a notice posted under paragraph (a),except with the permission of an **Inspector**.

## Health

8. No person may cause or allow a **Building** to become subject to the growth on any portion of the **Building** of mould or fungus arising from or in relation to the cultivation of marijuana plants or the production of **Amphetamines** in the **Building**.

## Nuisance

9. Pursuant to Nuisance Abatement Bylaw No. 7325, as amended or replaced, no person may cause or permit:
  - (a) a nuisance as a result of his or her use or occupancy of a parcel;
  - (b) water, rubbish or unsightly matter to collect or accumulate in, on, under or around a **Parcel** owned, used or occupied by him or her.

## Noxious Or Offensive Trade

10. No person may cause or permit a noxious or offensive trade in premises including the production, storage, transfer or disposal of substances that emit offensive odours, fumes or particulate matter.

## Fire Protection

11. The **Fire Chief** may:
  - (a) enter on real property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
  - (b) take measures to prevent and suppress fires, including the demolition of **Buildings** and other **Structures** to prevent the spreading of fires;
  - (c) order an **Owner** or occupier of real property to undertake any actions directed by the **Fire Chief** or other person authorized by the **Fire Chief** for the purpose of removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire;
  - (d) exercise some or all of the powers of the Fire Commissioner under Section 25 of the *Fire Services Act*, and for these purposes that section applies.
12. Every **Owner** or occupier of real property must undertake any action directed by the **Fire Chief** or other person authorized by Council to act in the place of the **Fire Chief** for the purpose of removing or reducing any thing or condition that the **Fire Chief** or the other authorized person considers is a fire hazard or increases the danger of fire.

## Tenancies

13. Every **Owner** of **Residential Premises** or other premises that are subject to a **Tenancy Agreement**
  - (a) must inspect the premises at least once every three months to ascertain whether this bylaw has been contravened, and
  - (b) who has knowledge of a contravention of this bylaw, in relation to the **Residential Premises** or other premises, must
    - (i) within 24 hours of the discovery of the contravention, deliver written notice to the Chief **Building Inspector** of the particulars of the contravention, and

- (ii) subject to the *Residential Tenancy Act*, within two months of the delivery of the notice, take such action as may be necessary to bring the premises into compliance with this bylaw.

### Remediation Requirements

14. If a **Building** has been used for a **Grow Operation**, the **Owner** of the **Building** must, within 30 days after the **Grow Operation** has been removed, subject to the *Residential Tenancy Act*,
- (a) either remove and dispose of all carpets and curtains in the **Building**, or have all carpets and curtains in the **Building** cleaned by a **Professional Cleaner**,
  - (b) if the **Building** is heated by forced air heating, have all air ducts cleaned by a **Professional Cleaner** or by a duct cleaning company, and
  - (c) have all walls and ceilings in the **Building** cleaned and disinfected by a **Professional Cleaner**,
- and the District may deliver to the **Owner** and occupier of the **Building** a letter in the form of Schedule D.

### Inspection and Certification Requirement

15. After a **Professional Cleaner** has been engaged by the **Owner** and has completed the requirements of Section 14, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists or the American Board of Industrial Hygiene must inspect the **Building** and provide written certification in the form of Schedule C to the Chief **Building Inspector** that the requirements of Section 14 have been satisfied and that the **Building** is substantially free of any **Pesticides**, fertilizers and any toxic chemicals, moulds or fungi.

### Occupancy

16. After a **Grow Operation** has been removed from a **Building** and until the remedial measures prescribed by Section 14 of this bylaw have been completed and written certification has been provided to the Chief **Building Inspector** as required by Section 15, the **Building** must not be occupied by any person.
17. Before a **Building** is re-occupied after removal of a **Grow Operation**, the **Owner** must notify the prospective occupants in writing that a **Grow Operation** has been removed and that the requirements of this bylaw have been met.

### Alterations

18. If there has been an **Alteration** to a **Building**, the **Building** must not be re-occupied after the removal of a **Grow Operation** until:
- (a) a **Building** permit has been obtained for any existing **Alteration** and proposed remediation work which requires a permit under the District's building regulation bylaw,
  - (b) the **Building** complies with the health and safety requirements of the British Columbia Building Code, the Safety Standards Act, the B.C. Electrical Code, the B.C. Gas Safety Code, this bylaw and all other health and safety requirements established by law,
  - (c) the Owner has paid to the District all **Service Costs** and fees due and owing under this or any other District bylaw in respect of **Alteration**, and
  - (d) the Chief **Building Inspector** has confirmed that a satisfactory inspection of the **Building** by the District's Building Department has been completed, and

- (e) a **Re-occupancy Permit** has been issued.

## Fee

19. The following fees apply under this bylaw:

- (a) each time an Inspector enters on a Parcel to carry out an inspection in the exercise of authority by the District to regulate, prohibit or impose requirements under this bylaw or another enactment, the Owner must pay the District the administration and inspection fee stipulated in Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481;  
(8038)
- (b) an administration and inspection fee stipulated in Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481 must be paid to the District before confirmation is provided under Section 18(d);  
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- (c) for a Special Safety Inspection the Owner or occupier must pay the District the fee stipulated in Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481;  
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- (d) for each inspection prior to issuance of a Re-occupancy Permit, the Owner or occupier must pay the District the Re-occupancy Permit fee stipulated in Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481;  
(8038)
- (e) to obtain a Re-occupancy Permit, the Owner must pay the District the fee stipulated in Schedule B of the District of North Vancouver Fees and Charges Bylaw 6481;  
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- (f) every **Owner** whose real property is used as a **Controlled Substance Property** must pay the District all **Service Costs** incurred by or on behalf of the District;
- (g) if the **Owner** inspects and reports a contravention under Section 13 of this Bylaw, **Service Costs** are waived in respect of that incident.

## Notices and Inspections

20. Subject to the *Community Charter*, an **Inspector** may enter on real property for the following purposes:

- (a) to inspect and determine whether all regulations, prohibitions and requirements under this bylaw or other enactments are being met in relation to any manner for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another act to regulate, prohibit or impose requirements;
- (b) to take action authorized under Sections 25 and 26 of this bylaw;
- (c) to inspect or to disconnect or remove a water service under Sections 3 or 28 of this bylaw.

21. The **Inspector** or a person acting under the direction of the **Inspector** may post a notice in the form of Schedule B on any **Building** which has been used for a **Grow Operation**, advising of the regulations in this bylaw.

22. No person may interfere with an inspection or proposed inspection under Section 20 of this bylaw and no person shall remove or deface any notice posted under Section 21 of this bylaw.



## Obstruction

23. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer, Inspector or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

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## Offences and Penalties

24. (a) A person who:
- i. contravenes a provision of this bylaw;
  - ii. causes, consents to, allows or permits an act or thing to be done contrary to this bylaw;
  - iii. neglects or refrains from doing anything required by a provision of this bylaw; or
  - iv. fails to comply with any order, direction or notice given under this bylaw,
- commits an offence and is subject to the penalties imposed by this bylaw and the *Offence Act*.
- (b) Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention occurs or continues shall constitute a separate offence.
- (c) A person found guilty of an offence under this bylaw is subject to a fine of not less than \$1,000.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it occurs or continues, plus the costs of prosecution.

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## Default

25. If an **Owner** or occupier of real property fails to comply with a requirement of the District under this bylaw or another enactment, the District, within the time specified in the order or notice may enter the real property and take such action as may be required to correct the default, including to remediate the real property, bring it up to a standard specified in an enactment or demolition at the expense of the **Owner** or occupier who has failed to comply, and may recover the costs incurred as debt.
26. If the **Owner** or occupier has failed to pay the District's costs of acting in default under Section 25 before the 31<sup>st</sup> day of December in the year that the correction of the default was effected, the costs must be added to and form part of the taxable payable on the property as taxes in arrears.

## Remedial Action

27. Division 12 of Part 3 of the *Community Charter* applies.

## Discontinuance Of Service

28. The District may discontinue providing water service to real property if the water is being used for or in relation to a **Grow Operation** on the real property, subject to the requirements that the District must:
- (a) give the **Owner** and occupier of the real property 7 days' written notice of an opportunity to make representations to Council with respect to the proposed discontinuance of the water service, and
  - (b) after the persons affected have had an opportunity to make representations to Council, the District must give the **Owner** and occupier 7 days' written notice of any proposed discontinuance of the water service.

## **Severability**

- 29.** If any provision of this bylaw is held to be invalid, it shall be severed and the remainder of the bylaw shall remain in effect.

Amended By: 8038 8559

## SCHEDULE A

Deleted.

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**NOTICE**

TAKE NOTICE THAT this **Parcel** has been used as a **Controlled Substance Property**.

Pursuant to District of North Vancouver "Properties Involving Controlled Substances Bylaw No. 7494", no person may occupy these premises until cleaning and remediation have been completed in accordance with that bylaw and the Chief **Building Inspector** has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to [insert name and telephone number of appropriate District official].

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Chief Building Inspector  
District of North Vancouver

**SCHEDULE C**

**CERTIFICATION FORM**

TO: The District of North Vancouver

FROM: \_\_\_\_\_

[insert name of professional cleaner]

RE: **Parcel** at

\_\_\_\_\_

[insert address]

This is to certify that in accordance with Section 14 and 15 of the “Properties Involving Controlled Substances Bylaw No. 7494”, the professional identified in this certification:

- (a) meets the requirements for a professional inspector under Section 15 of the bylaw; and
- (b) has completed an inspection of the **Building** on \_\_\_\_\_; and
- (c) the **Building** is free of any **Pesticides**, fertilizers and toxic chemicals, moulds or fungi.

The undersigned professional may be contacted at: \_\_\_\_\_ [insert business telephone number].

CERTIFIED AS OF \_\_\_\_\_ [insert date]

\_\_\_\_\_

[insert name of professional inspector]

\_\_\_\_\_  
Authorized Representative

## SCHEDULE D

### LETTER TO PROPERTY OWNER

Re: **Properties Involving Controlled Substances Bylaw No. 7494**

This letter is to notify you that the District of North Vancouver's "Properties Involving Controlled Substances Bylaw No. 7494" establishes regulations concerning the cleaning and remediation of **Buildings** that have been used for marijuana grow operations or amphetamine production.

The District has been advised by the Royal Canadian Mounted Police that the **Building** at \_\_\_\_\_ was in use as a marijuana grow operation [or amphetamine production operation] which has been removed by the police.

The bylaw requires that within 14 days, all carpets and curtains in the premises must be removed or cleaned, any forced air heating ducts in the premises must be cleaned, and all walls and ceilings must be cleaned and disinfected. That work must be carried out by a **Professional Cleaner** with experience in removing contaminants from **Buildings**. The **Professional Cleaner** must hold a licence to carry on business in the District of North Vancouver.

After the cleaning is completed, a qualified professional must certify that the **Parcel** is free from **Pesticides**, fertilizer, toxic moulds, chemicals and fungus.

Until the cleaning and certification have been completed, Section 16 of the bylaw prohibits occupancy by any person. Before occupancy, you are required to notify prospective occupants that the requirements of the bylaw have been satisfied.

We enclose a copy of the bylaw for your reference. If you have any questions concerning the regulations in the bylaw, please call the District's Building Department at 604 990-2480.