
Extracted from Controlled Substance Bylaw No. 15820

Complete copy available at:

http://www.surrey.ca/bylawsandcouncillibrary/BYL_reg_15820.pdf

Part 4 Building, Safety, Health, Nuisance and Noxious or Offensive Business Regulations

Reconnection of Services:

- 4.10 If as a result of the use or suspected use of a parcel for a grow operation or clandestine drug lab or as a controlled substance property:
- (a) the supply of electricity, water or natural gas to the parcel has been disconnected by the City, a utility, any other lawful authority, or any person;
 - (b) alterations or repairs have been made to structural, electrical, water or natural gas systems, equipment, appliances or other accessories of any kind on the parcel; or
 - (c) a hazardous condition exists on the parcel,
then a person must not reconnect the supply of electricity, water or natural gas and, subject to the *Residential Tenancy Act*, a person must not use or occupy the parcel or permit the parcel to be used or occupied, until the person has complied with section 4.11.

Remedial Measures:

- 4.11 Without limiting section 4.10, a person must not use or occupy a parcel described in section 4.10, or permit the parcel to be used or occupied, until in respect of the parcel:
- (a) a special safety inspection of the parcel has been carried out under section 7.2,
 - (b) the owner has:
 - (i) obtained all permits, approvals or authorizations required to carry out, and
 - (ii) has carried out or caused to be carried out, the work necessary to bring the parcel into compliance with this bylaw and other applicable bylaws and applicable provincial enactments;

- (c) remedial measures prescribed by section 5.2 of this bylaw have been completed and written certification has been provided to the Manager, Bylaw and Licensing Services under section 5.3;
- (d) if required under an enactment, including the City's building bylaw, the owner has retained a professional engineer holding a valid licence under the *Engineers and Geoscientists Act* and the professional engineer has certified in writing that the building safety requirements required under applicable enactments have been complied with;
- (e) the owner has paid all service fees and other fees imposed under this bylaw and other relevant City bylaws in relation to the inspection of the parcel and the issuance of permits; and
- (f) the Building Inspector or Fire Chief has removed the "Do Not Occupy" notice pursuant to section 7.7.

Part 5 Responsibilities of Owners

Inspection of Rental Properties:

- 5.1 Every person who is the registered owner of a parcel that contains a building, a structure or other premise that is subject to a tenancy agreement:
- (a) must inspect the premises, building or structure at least once during every period of three consecutive calendar months to ascertain whether this bylaw has been contravened; and
 - (b) who has inspected the premises at a time when there is a contravention of this bylaw in relation to the premises, building or structure, must
 - (i) within 24 hours of the discovery of the contravention, deliver written notice to the Manager, Bylaw and Licensing Services 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 so that the Building Inspector or Fire Chief may remove the "Do Not Occupy" notice posted under section 7.1.

Remediation:

- 5.2 If a building on a parcel has been used for a grow operation or clandestine drug lab, the owner of the parcel must, within fourteen (14) days after delivery by the City of a letter under section 7.2(b), subject to the *Residential Tenancy Act*:
- (a) remove and dispose of all carpets and curtains in the building;

- (b) if the building is heated by forced air heating, have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a professional cleaner or by a duct cleaning company; and
 - (c) have all walls, floors, insulation, moisture barrier and ceilings in the building replaced or cleaned and disinfected by a professional cleaner.
- 5.3 After a professional cleaner has been engaged by the owner and has completed the requirements of section 5.2, a qualified professional must inspect the building and provide written certification in the form prescribed by the Manager, Bylaw and Licensing Services that the requirements of section 5.2 have been satisfied and the building is substantially free of any pesticides, fertilizers, toxic chemical contamination, moulds or fungi, prior to the occupancy or re-occupancy of the building.
- 5.4 Any remediation required to be done on a parcel pursuant to section 4.10 and section 5.2 of this bylaw must, unless the remediation is required to be done pursuant to section 5.4.1, be completed within 60 days of the date a "Do Not Occupy" notice is posted under section 7.1, provided, however, that where the Manager, Bylaw and Licensing Services is satisfied that the owner is diligently proceeding with the required work, the Manager, Bylaw and Licensing Services may grant an extension of time that is, in his or her opinion acting reasonably, sufficient to complete the remediation work required.
- 5.4.1 If a parcel or a building on a parcel is or has been used as a medical marijuana grow operation, the owner of the parcel must, subject to the *Residential Tenancy Act*, complete sections 4.11(a) to (f), 5.2(a) to (c), and 5.3 in respect of the building and parcel used for a medical marijuana grow operation, within 60 days of the earlier of:
 - (a) the expiry or termination of the medical marijuana license, or
 - (c) where a "Do Not Occupy" notice has been posted under section 7.1, the posting of the "Do Not Occupy" notice, or within any other period as determined by the Manager, By-law and Licensing Services.
- 5.5 Neither the removal of a "Do Not Occupy" notice posted under section 7.1 nor the issuance of a building permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the City, will in any way relieve the owner from full and sole responsibility to perform work required or contemplated under this bylaw or the Building Code and all other applicable codes, standards and enactments.
- 5.6 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect of which a permit was issued or which is required prior to removal of a "Do Not Occupy" notice posted under section 7.1 in compliance with this bylaw and all other applicable codes, standards and enactments, including the Building Code.