

(In substitution of Supplementary Order Paper No. 81.)

## SUPPLEMENTARY ORDER PAPER.

### HOUSE OF REPRESENTATIVES.

Friday, the 18th Day of November, 1910.

#### MUNICIPAL CORPORATIONS AMENDMENT BILL.

Mr. SIDEX, in Committee, to move the following new clause :—

Power to pull  
down insanitary  
buildings. A. Section two hundred and ninety-one of the principal Act is hereby amended by omitting all the words after the word "officer," and substituting the following :—

"that any building or part of a building is insanitary, unfit for occupation, or dangerous to public health, the Council may—

"(a.) If it considers that the building can be made fit for occupation, give notice to the owner thereof requiring him, within a time named in the notice, to effect such repairs or make such structural or other alterations or additions thereto as the Council directs, and by the same notice the Council shall state the time (being not less than one month after the service of the notice) and place at which, if the owner fails to comply with such requisition, the Council will take into consideration the question of pulling down the said building :

"(b.) If it considers that the building cannot be rendered fit for occupation, give to the owner notice of the time (being not less than one month after the service of the notice) and place at which the question of pulling down the said building will be considered by the Council.

"(2.) On the question of pulling down the said building being taken into consideration, the owner shall be entitled to be heard, and if upon any such consideration the Council is of opinion that the before-mentioned requisition has not been satisfactorily complied with, or that the necessary steps are not being taken with due diligence to render the building fit for occupation, or that the building cannot be rendered fit for occupation, or is dangerous to public health, it shall order such building or any part thereof to be pulled down at the expense in all things of the owner.

"(3.) If any owner undertakes to execute forthwith the works necessary to render the building fit for occupation, and the Council considers that it can be so rendered fit for occupation, the Council may, if it thinks fit, postpone the operation of the order for such

time, not exceeding six months, as it thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

“(4.) Notice of the order shall be forthwith served upon the owner, and any Magistrate may, on the application of the owner within fourteen days after such service, and after notice to the Council, and after hearing such evidence as may be adduced for or against the application, either set aside, vary, or confirm the order, and no work shall be done nor proceedings taken by the Council under the order until after the application is determined or ceases to be prosecuted; and the Magistrate may, in making such order as to costs as he thinks fit, take into consideration the whole of the proceedings that have been taken under this section subsequent to the notice mentioned in paragraph (a) or paragraph (b) of subsection *one* hereof.

“(5.) Where an order for the pulling-down of a building has been made the owner thereof shall, within three months after the order becomes operative, proceed to take down and remove the building, and if he fails therein the Council shall proceed to take down and remove the building.

“(6.) If such building is taken down and removed by the Council, the Council may sell or destroy the materials or any part thereof and apply the proceeds in or towards payment of the expenses incurred under this section, and shall pay the residue (if any) to the owner on demand, or if such proceeds are insufficient the Council may recover the balance of the expenses from the owner.

“(7.) If the Council fails to give any such notice as is mentioned in paragraph (a) or paragraph (b) of subsection *one* hereof within three months after the receipt of the said certificate of the District Health Officer, or to take any of the further proceedings mentioned in the foregoing subsections on noncompliance with the terms of any notice or order, then the District Health Officer may himself give to the owner of the building notice requiring him to pull down the same within a time named in the notice, or, in lieu of such notice, he may by a like notice require the owner to make such repairs, structural or other alterations, or additions to the said building as the District Health Officer directs.

“(8.) If within the time named in such notice by the District Health Officer the owner fails to comply with the requisition of such notice, it shall be lawful for any Magistrate, on the application of the District Health Officer, and after notice to the owner, and after hearing such evidence as may be adduced for or against the application, to order such building or any part thereof to be pulled down at the expense in all things of the owner.”

---