

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Tuesday, the 15th Day of November, 1910.

PUBLIC HEALTH AMENDMENT BILL.

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

Power to pull
down insanitary
buildings.

A. Section ninety of the principal Act is hereby repealed, and the following section enacted in lieu thereof:—

“90. (1.) On the certificate of the District Health Officer that any building or part of a building is by reason of its insanitary condition unfit for occupation, or dangerous to public health, the local authority may—

“(a.) If it considers 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 alterations or additions thereto as the local authority directs, and by the same notice the local authority 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 local authority 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 local authority.

“(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 local authority is of opinion 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 local authority considers that it can be so rendered fit for occupation, the local authority 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 local authority, 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 local authority 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 local authority shall proceed to take down and remove the building.

“(6.) If such building is taken down and removed by the local authority, the local authority 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 local authority may recover the balance of the expenses from the owner.

“(7.) If the local authority fails to give any such notice as is mentioned in paragraph (a) or paragraph (b) of subsection *one* hereof, 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 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.”
