



## The Safer Communities and Neighborhoods Act by Douglas A.S. Paterson, Q.C.

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It's a pretty safe bet not many citizens are aware of this Act and how it can be used. That is surprising given the fact our homes and neighborhoods are so important to us in many aspects of our lives.

It does not mean much to our farm and acreage friends but can be a great tool for town and urban dwellers.

It applies when any habitable structure or land is being specifically used for an illegal or prohibited activity and where the area nearby is adversely affected. Examples would be a booze can, perhaps minors using intoxicating substances, a grow op, prostitution activities, and unsafe use of firearms or explosives. If these types of activities are occurring and also cause negative influence to the area's security and peace, then the Act is breached.

Recently, peace officers and law enforcement officials have used this Act in Winnipeg to shut down booze cans and even

Hells Angels activities in buildings.

Before such action will occur, someone adversely affected must complain to the director and indicate a belief that the area or a property is adversely affected by certain specific uses and that they are habitually done on the property in question.

The onus then falls to the director under the Act to investigate. If the complaint is well-founded, a warning letter can go to the proprietors. Or, mediation can be tried on an informal basis; or, an Order can be sought; or, no action need be taken. The director has full discretion here. The complainant will be notified of the director's decision.

If an Order is needed, the director requests the Court of Queen's Bench for a "Community Safety Order". All such requests are heard on an urgent basis and without service of the documents on the Respondents at this first stage.

The Order will be granted if the evidence shows the harmful activity to be habitual, and the nearby community/neighborhood to be adversely affected by it.

The Order may include references to the bad actors having to vacate the property and not returning, terminating any lease that may exist, the director being required to close the building for 90 days, and any other Order the Court feels to be fair and necessary to attain the goals of the Act.

Of course, once the Respondents (or "bad actors") are served with the director's Court application and Order, they can object to it and apply to set the Order aside. The Court would then reconsider the issues and Order accordingly.

There are many variables possible in the Court Order pertaining to the period of the closure or whether only part of the property should be involved. More than one order can be obtained for the same property.

Also, once the Respondent is served with the Community Safety Order, all lawful occupants needs to be served promptly.

Any resident of the property affected by the Order can also apply to the Court to have the terms varied.

Under certain conditions, if the director does not get a Court Order after a complaint, the complainant can apply to the Court to try and get one to stop the activity complained of in the neighborhood.

All complaints made to the director are strictly confidential. So, if your Hells Angels neighbors are causing you grief on a persistent basis and in a harmful way, your complaint will not be revealed and will remain anonymous. You will not be compelled to be a witness in later proceedings.