

GILBERT PLAINS MUNICIPALITY

By-law No. 2021-14

**BEING A BYLAW OF THE GILBERT PLAINS MUNICIPALITY
TO ESTABLISH A RENTAL UNIT DWELLINGS AND DAYCARE SAFETY STANDARD**

BEING A BYLAW of The Gilbert Plains Municipality to establish minimum standards of building safety of residential rental dwellings within the urban limits of the Gilbert Plains Municipality.

WHEREAS subsection 232 (1) of The Municipal Act, S.M. 1996, C. 58 (the "Act"), provides, in relevant part as follows:

Spheres of Jurisdiction

232 (1) A Council may pass bylaws for municipal purposes respecting the following matters:

- (a) The safety, health, protection and well-being of people and the safety and protection of property;
- (c) subject to Section 233, activities or things in or on private property;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of bylaws.

AND WHEREAS subsection 232 (2) of the Act provides, in relevant part, as follows:

Exercising Bylaw-making powers

232 (2) Without limiting the generality of subsection (1), a Council may in a bylaw passed under this Division:

- (a) regulate or prohibit
- (b) adopt by reference in whole or in part, with any changes the Council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a Province or a recognized technical or professional organization, and require compliance with the code or standard;
- (e) subject to the regulations, provided for a system of licenses, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms of payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulations,

AND WHEREAS subsection 236 (1) of the Act provides, in relevant part, as follows:

Content of bylaws under clause 232 (1)(0)

236 (1) Without limiting the generality of clause 232 (1)(0) (enforcement of bylaws), a bylaw passed under that clause may include provisions:

- (a) providing for procedures, including inspections, for determining whether bylaws are being complied with, and;
- (b) remedying contravention of bylaws, including:
 - (i) creating offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is in addition

to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the bylaw,

(iii) providing the amount owing under subclause (ii) may be collected in any manner in which a tax may be collect or enforced under this Act,

(iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,

(v) charging and collecting costs incurred in respect of action under subclause (iv)

(vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines.

AND WHEREAS, Council of The Gilbert Plains Municipality deems it necessary and expedient to pass a bylaw for the purposes of ensuring that rental housing conditions are safe for the general welfare and health of person occupying rental dwellings within the urban limits of the Gilbert Plains Municipality.

NOW THEREFORE COUNCIL OF THE GILBERT PLAINS MUNICIPALITY, DULY ASSEMBLED, HERBY ENACTS AS A BYLAW AS FOLLOWS

1) Definitions

- (a) "Fuel Burning Appliance" means a device to convert fuel into energy and includes all components, controls, wiring and piping required to be part of the device by the applicable standard.
- (b) "Daycare" means a facility that charge a fee to provide for the care and supervision of children in the absence of their parents.
- (c) "Designated Officer" means Bylaw Enforcement Officer, Building Inspector, Fire Chief or any other person or agency employed by or acting for the Gilbert Plains Municipality and partially or wholly responsible for public safety, fire safety, building safety, and property standards within the urban limits of the Gilbert Plains Municipality.
- (d) "Rental Dwelling Unit" means a non-primary residence or suite operated for profit as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (e) "Smoke Alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.

2) All owners of rental units occupied must provide the following basic obligations to the tenant:

(a) Smoke Alarms

A landlord must:

- i) Install a smoke alarm in each rental unit they own. This smoke alarm must be:

- (1) A hard-wired, 120-volt, AC powered smoke alarm, installed in conformance with the Manitoba Building Code; or

(2) A 10-year lithium powered smoke alarm installed in conformance of the manufacturer's instructions.

- ii) Ensure smoke alarms within dwelling units are installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, ensure smoke alarms are installed in the hallways.
- iii) Test and inspect the smoke alarms at least once a year to ensure they are working properly.
- iv) Retest the smoke alarms whenever a new tenant moves in to ensure they are working properly.
- v) Demonstrate to tenants how to use and test the smoke alarms.
- vi) Provide phone numbers for tenants to call if the smoke alarm is not working properly.
- vii) Replace a smoke alarm that is not working properly within 24 hours of notification.

(b) Carbon Monoxide Alarms

- i) Carbon Monoxide alarms are required where a fuel burning appliance is installed.
- ii) Carbon monoxide alarms must be installed:
 - (1) Inside each bedroom, or
 - (2) Outside each bedroom, within 5 meters of each bedroom door.

(c) Egress

- i) Every building shall have an access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior.
- ii) Means of egress shall not be nailed shut and all egress shall be:
 - (1) Maintained in good repair; and
 - (2) Free of objects or any other conditions which could cause an accident or fire hazard.

iii) Third-Party Liability and Fire Insurance Coverage


- (1) Ensure that each rental dwelling unit has third-party liability and fire insurance coverage.

- 3) This by-law shall be enforced pursuant to the Municipality's General Enforcement By-law, as amended from time to time.
- 4) Any person may allege a violation of this by-law by filing a written complaint with an Officer in such form and with such particulars as the Officer may from time to time require, and/or the Officer may investigate based on his/her regular patrol of the Municipality.
- 5) Where an Officer determines that a contravention of any provision of this by-law has occurred, the Officer may commence enforcement proceedings and issue and serve a notice of contravention and, if required, an order to remedy a contravention pursuant to the Municipality's General Enforcement By-law, as amended from time to time, and

the Municipality's enforcement policy and procedures.

- 6) A person who receives an order to remedy a contravention may appeal such order in accordance with the Municipality's General Enforcement By-law, as amended from time to time, and the Municipality's enforcement policy and procedures. Council's decision on the issue is final and not subject to further appeal.
- 7) The Municipality and/or the Officer may take whatever action or measures are necessary to remedy a contravention of this by-law in accordance with the Municipality's General Enforcement By-law, as amended from time to time, and the Municipality's enforcement policy and procedures.
- 8) Any person who contravenes or disobeys or refuses or neglects to obey or comply with any provision of this by-law or any order made under this by-law and/or the Municipality's General Enforcement By-law, as amended from time to time, is guilty of an offence and is liable to fines and penalties as set out in the Municipality's General Enforcement By-law, as amended from time to time.
- 9) This bylaw shall become effective immediately upon its passage by Council.

DONE AND PASSED as a by-law of the Gilbert Plains Municipality at Gilbert Plains in the Province of Manitoba this 8 day of February, 2022.



Reeve



Chief Administrative Officer

Read a first time: September 14, 2021
Read a second time: February 8, 2022
Read a third time: February 8, 2022