
BEING A BYLAW OF THE MUNICIPALITY OF GILBERT PLAINS TO ESTABLISH A SYSTEM TO REGULATE THE CONDITION AND MAINTENANCE OF VACANT DWELLINGS AND NON-RESIDENTIAL BUILDINGS, AND TO ESTABLISH A PROCESS TO TAKE TITLE TO VACANT AND DERELICT BUILDINGS, TO BE KNOWN AS THE "VACANT AND DERELICT BUILDING BY-LAW"

WHEREAS the Municipality of Gilbert Plains is empowered by Section 232 of *The Municipal Act*, to pass a by-law with respect to the condition and maintenance of vacant dwellings and non-residential buildings;

AND WHEREAS the existence of unsightly vacant buildings may produce a harmful visual impact on a streetscape, creates the impression of decline, lowers property values and raises the likelihood of arson, vandalism, drainage problems and vermin infestation;

AND WHEREAS the Municipality of Gilbert Plains deems it expedient and in the public interest to establish a by-law to regulate the condition and maintenance of derelict and vacant, unsafe and unsightly buildings;

AND WHEREAS Section 247.1 of *The Municipal Act* provides for a process by which a municipality may take title to vacant and derelict buildings;

AND WHEREAS it is necessary to establish a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties pursuant to the provisions of *The Municipal Act*;

NOW THEREFORE the Council of The Municipality of Gilbert Plains, duly assembled, enacts as follows:

PART 1: DEFINITIONS

1. All references herein to "he" shall include "she" unless the context thereof requires otherwise.
2. In Accordance with this Bylaw:

"BOARDED BUILDING" means a vacant structure boarded up in accordance with Part II of Schedule "B" of this by-law.

"BUILDING" means any structure used or intended for supporting or sheltering any use or any occupancy.

"COMMITTEE" means the Council of the Municipality of Gilbert Plains, and charged with the responsibility of hearing and making decisions on appeals to Orders issued pursuant to the provisions of this by-law.

"DERELICT PROPERTY" means property upon which is located a vacant dwelling or non-residential building that is not in compliance with the provisions of this by-law.

"DESIGNATED OFFICER" means the Building Inspector of the Municipality of Gilbert Plains and any employee of the Municipality to whom he or she has delegated authority or duty granted or imposed under this By-law.

"DWELLING" includes any building, part of a building, mobile home, trailer or other covering or structure, the whole or any portion of which has been used, is used, or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the building.

"INSPECTOR" means Building Inspector, Bylaw Officer or any other person or agency employed by or acting for the municipality and partially or wholly responsible for the building safety and property standards within the municipality.

"NON-CONFORMANCE" means a condition which does not comply with the standards established by this by-law.

"NON-RESIDENTIAL BUILDING" means any building used for any purpose other than a dwelling.

"OWNER" means the registered owner of the land and premises who is:

- i. the person that for the time being is managing or receiving the rent of the land or premises in connection with which the word "owner" is used, whether on his own account or as agent or trustee of any other person; or
- ii. the person who would so receive the rent if such land and premises were let; or
- iii. the vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or
- iv. the person that for the time being is receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other person; or
- v. the person who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale

"SECURED BUILDING" means any building or structure that meets the conditions set out in PART I of Schedule "B" of this by-law.

"STANDARDS" means the standards prescribed in this by-law for the maintenance and improvement of the physical condition and for the fitness for occupancy of any building or other structure or properties, or parts thereof, together with the surrounding lands.

"UNSAFE BUILDING" means any structure that is in an unsafe condition in that it is open and vacant.

"UNSIGHTLY" means premises that are in non-compliance with Sections 3, 4, 5, 7 and 12 of Schedule "A" to this by-law, or as otherwise determined by the Designated Officer or Building Inspector. Boarded building is also deemed to be unsightly.

"VACANT DWELLING" means any building or structure or portion thereof that is used or intended to be used for the purpose of human habitation that is unoccupied and is deemed to be unsafe.

PART 2: STANDARDS

Requirements for All Vacant Buildings

3. The owner of a vacant dwelling or non-residential property must ensure that the premises are in compliance with the standards set out in Schedule "A".

Choice between Securing or Boarding Up

4. Vacant or open and unguarded buildings to which entry can be gained shall be deemed unsafe. The owner of a vacant and open dwelling must ensure that the dwelling is secure from unauthorized entry by complying having the building conventionally secured or boarded.
5. A dwelling may remain boarded up in accordance with Part II of Schedule "B" for a maximum of Twenty-One (21) days after which the owner shall ensure that the property and buildings are restored to an acceptable condition as determined by the Building Inspector.
6. Failure on the part of any owner to secure a Vacant Derelict and Unsafe building shall result in the Municipality taking Emergency Abatement Action to secure the building at a cost to the owner. Municipal Act Sec (247)

PART 3: ORDER TO REPAIR AND MAINTAIN DERELICT BUILDINGS

7. Any inspector or Designated Officer duly appointed and authorized for the purpose, may, at all reasonable times, in accordance with this section, and upon production of the necessary authority, if demanded, enter upon any building or premises in the Municipality that is boarded or appears to be vacant for the purpose of determining if bylaws are being complied with.

7.1 The inspector shall first give reasonable notice to the owner or occupier of the land or building or other structure to be entered to carry out the inspection, remedy, enforcement or action, such notice being in writing and stating a date and time for the inspection which shall not be less than forty-eight (48) hours from the date that the notice is delivered to the owner or occupier of the land or building or other structure to be inspected.

7.2 In the event that the owner or occupier refuses to accept delivery of the Notice Order, or cannot be located, reasonable notice shall be deemed to have been given provided that the Designated Officer posts a copy of the Notice Order by nailing it to the door, or posting a sign at any normally used entrance to the land, building or other structure to be entered by the Designated Officer to carry out the inspection and take Remedial Enforcement Action.

Preliminary Derelict Building Order

8. A Designated Officer may issue a Derelict Building Order in respect of a property if he is satisfied that:
 - a) The registered owner of the property has been found guilty of contravening the Vacant and Derelict Building By-law; and
 - b) The property continues to be in contravention of Schedule "A" of this bylaw.

Form of Order shall be:

- (a) The legal description of the property and Roll Number
- (b) Order shall describe the deficiencies and further that the property is a derelict, vacant or unsafe.
- (c) Statement that the property may be transferred to the Municipality of Gilbert Plains if it is not brought into compliance with the Vacant and Derelict Buildings By-law.
- (d) That the Municipality may take action to remedy the violations

9. Derelict Buildings Unsafe and beyond Repairs shall be considered unsafe and a danger to the community. Owner shall be issued an Order to have the Unsafe Structure removed and level the site.

Warning on Non-Compliance

10. The registered owner shall have a minimum of Ninety (90) days to bring the property into compliance with the Vacant and Derelict Building By-Law after the Derelict Building Order has been served on the registered owner.

Failure to comply will result in the Municipality entering the property and taking remedial action by removing the Unsafe Structure, at a cost to the owner, which may be collected as Taxes.

Appeal Process

11. Any person served with a Preliminary Derelict Building Order may appeal same to the Council. The appeal must be made in writing and must be received by the Office of the Chief Administrative Officer within thirty (30) days after the order has been served on the registered owner.

DONE AND PASSED in Council duly assembled at the Municipality of Gilbert Plains Council Chambers, Gilbert Plains, in the Province of Manitoba this 19th day September of, A.D. 2023.

Read a first time this 25th day of July, A.D. 2023.

Read a second time this 29th day of August, A.D. 2023.

Read a third time this 19th day of September, A.D. 2023.



Jim Manchur
Reeve



Courtney Roebl
Chief Administrative Officer

Schedule 'A'

Standards

Foundation Walls and Foundation Supports:

1. Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents.
2. Basement walls and floors shall be constructed of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

Exterior Walls:

3. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rodents, rain or dampness to the interior portions of the walls or the interior spaces of the dwellings. Such defective materials or objects shall be removed, repaired or replaced.
4. All exterior surfaces shall be of material and workmanship adequate and suitable, so as to provide protection from extreme weather.
5. The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the restoring or repairing of the walls, coping or flashing, by the waterproofing of the joints and of the walls themselves, or be covered by a protective surface where this is necessary to resist deterioration of the structural surface.

Roof:

6. A roof includes the fascia board, soffit, cornice and flashing, and shall be maintained in a watertight condition so as to prevent leakage of water into the building. Without limiting the generality of this section, the maintenance required thereby includes the repairing of eaves troughing and rain water piping or using other suitable means.
7. Where the protective surface of a roof consists of wood shingles, they shall be maintained in good repair to resist their deterioration.
8. Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

Doors and Windows:

9. Every exterior door to a dwelling, every door to a dwelling unit or housekeeping dwelling unit, and every door to rooms, when closed, shall fit reasonably well within its frame and shall have hardware so as to be capable of being locked from both inside and outside.
10. All windows intended to be opened shall have hardware so as to be capable of being locked or otherwise secured from the inside of the dwelling.
11. All windows and doors, basement or cellar hatchways and their frames shall be constructed and maintained in such relation to wall construction as to completely exclude rain and substantially exclude wind from entering the structure. Every window shall be properly glazed.
12. Screen and Storm Doors shall be provided with close fitting sash. Screens shall be provided in all windows used for ventilating purposes from May 1 to November 1, in each year. Such screens shall have a mesh of not less than number fourteen, and shall be maintained in good condition.

Sheds and Accessory Buildings:

13. All sheds, fences and accessory buildings shall be maintained in good repair, and are not to become dilapidated or unsightly.

Guardrails, Stairs and Porches:

14. Every exterior stair that has more than three risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or protected by handrails or guards, except that a stair to an unfinished basement or cellar may have one unprotected side.
15. Porches are to be maintained and kept in good repair; not to be warped, unsteady and must be properly secured to the wall or flooring.

Walks and Entrance Ways:

16. A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.

General Maintenance of Property/Yard:

17. All Vacant properties shall be kept free and clear of:
 - a) Derelict Vehicles
 - b) Garbage Accumulation
 - c) Junk, scrap, motor vehicle parts and accessories, or the storage of outdoor or indoor furniture or appliances.
 - d) Unsafe or Hazardous conditions that may be detrimental to the community