

GILBERT PLAINS MUNICIPALITY

BY-LAW NO. 2022-05

VACANT AND DERELICT BUILDINGS BY-LAW

BEING A BY-LAW of the Gilbert Plains Municipality (the “Municipality”) to establish a system to regulate the condition and maintenance of vacant residential and commercial buildings and to establish a process to take title to vacant and derelict buildings.

WHEREAS the Municipality is empowered by Part 7, Division 2, Sections 231, 232 and 233 of *The Municipal Act*, RSM 1996, c.M225, to pass a by-law with respect to the condition and maintenance of vacant residential and commercial buildings;

Guide to interpreting power to pass by-laws

- 231 The power given to a council under this Division to pass by-laws is stated in general terms
- (a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and
 - (b) to enhance the ability of the council to respond to present and future issues in the municipality.

Spheres of jurisdiction

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
 - (c) subject to section 233, activities or things in or on private property;
 - (c.1) subject to section 233.1, the condition and maintenance of vacant dwellings and non-residential buildings;
 - (c.2) subject to section 233.2, the conversion of rental units into units under *The Condominium Act*;
 - (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
 - (e) private works on, over, along or under municipal roads;
 - (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
 - (g) the operation of off-road vehicles on public or private property;
 - (h) drains and drainage on private or public property;
 - (i) preventing and fighting fires;
 - (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms, and the use of bows and arrows and other devices;
 - (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
 - (l) public utilities;
 - (m) local transportation systems;
 - (n) businesses, business activities and persons engaged in business;
 - (n.1) the establishment of a program of property tax credits to encourage and assist in the renovation of buildings that have been designated as municipal heritage sites under *The Heritage Resources Act*;
 - (o) the enforcement of by-laws.

Exercising by-law-making powers

- 232(2) Without limiting the generality of subsection (1), a council may in a by-law 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;
 - (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
 - (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
 - (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and
 - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
 - (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;

- (g) require persons who do not reside or have a place of business in the municipality to report to the municipal office before conducting business in the municipality; and
- (h) require pawnbrokers to report all transactions by pawn or purchase to the head of council or to the police.

Content of by-laws under clause 232(1)(c)

- 233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of
- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
 - (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
 - (c) the removal of top soil; and
 - (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

Content of by-laws under clause 232(1)(c.1)

- 233.1(1) A by-law under clause 232(1)(c.1) (vacant dwellings and non-residential buildings) may establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings, and may include provisions respecting
- (a) the manner in which the dwellings or buildings must be secured by owners or, on default, may be secured by the municipality;
 - (b) inspections by the municipality of the condition of the dwellings or buildings, including their interior condition; and
 - (c) the length of time that dwellings or buildings may remain boarded up.

Restriction

- 233.1(2) A by-law under clause 232(1) (c.1) may not regulate the condition and maintenance of vacant dwellings and non-residential buildings that are located on property that is classified as Farm Property under *The Municipal Assessment Act*.

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

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

AND WHEREAS Section 247.2(1) of *The Municipal Act* permits a municipal council to establish a process by which a municipality may take title to vacant and derelict buildings;

By-law re derelict building orders, second notices and certificates

- 247.2(1) A council may by by-law establish a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties.

AND WHEREAS the Municipality deems it 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 Gilbert Plains Municipality, duly assembled, enacts as follows:

PART 1 – GENERAL

Short Title

- 1 This By-Law may be referred to as the Gilbert Plains Municipality Vacant and Derelict Buildings By-law.

Definitions

- 2 In this by-law:
- (a) “Boarded Building” means an unoccupied Building in which any door, window or other opening has been covered for more than seven (7) days by affixing wood, metal or some other material over it to prevent entry;
 - (b) “Boarded Building Exemption Certificate” means an exemption certificate issued for a Boarded Building pursuant to section 16 of this by-law;
 - (c) “Boarded Building Permit” means a permit issued for a Boarded Building that is in compliance with the provisions of this by-law;
 - (d) “Building” means any structure used or intended for supporting or sheltering any use or any occupancy;

- (e) "Code" means The Manitoba Building Code as adopted by Manitoba Regulation 31/2011 pursuant to The Buildings and Mobile Homes Act, RSM 1987, c.B93, as amended from time to time, or any subsequent Manitoba Building Code which may be enacted;
- (f) "Commercial Building" means any Building that is not a Residential Building;
- (g) "Council" means the duly elected municipality council of the Municipality;
- (h) "Derelict Property" means property upon which is located an unoccupied Residential Building or Commercial Building that is not in compliance with the provisions of this by-law;
- (i) "Designated Officer" means the Chief Administrative Officer of the Municipality and any employee of the Municipality to whom he or she has delegated an authority or duty granted or imposed under this by-law;
- (j) "Designer" means a person skilled in the type of work concerned, who is licensed to practice in the Province of Manitoba and who is responsible for the design and/or code analysis of a Building and may include an architect and/or an engineer depending on the requirements of the Code in regard to the particular building's classification;
- (k) "Fire Protection System" includes, but is not limited to, any fire alarm system, sprinkler system or standpipe system or one or more private hydrants;
- (l) "Inspector" means Building Inspector, Fire Chief appointed as a Designated Officer the Fire Chief, 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;
- (m) "Non-Conformance" means a condition which does not comply with the Standards established by this by-law;
- (n) "Owner" means:
 - (i) the registered property owner of the land and premises, which includes the person that at all material times 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 offer to purchase or an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or
 - (iv) the person that at all material times is receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an offer to purchase or 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 offer to purchase or an agreement for sale;
- (o) "Residential Building" means a Building primarily designed for or that has been used for residential occupancy by way of a dwelling unit(s) but may also be designed for or used for a secondary occupancy;
- (p) "Sewage" means a combination of the water borne wastes from residences, business structures, and commercial, institutional, and industrial establishments together with such ground, surface and storm waters as may be present;
- (q) "Sewage System" means the Municipality's Sewage System or a private sewage disposal system;

- (r) "Vacant Building" means a previously occupied Building or unit thereof that is not presently being used or occupied;
- (s) "Vacant Building Certificate" means a certificate issued with respect to a vacant Residential Building or Commercial Building that is in compliance with the provisions of this by-law; and
- (t) "Vacant Building Occupancy Certificate" means an occupancy certificate confirming that the Building is in compliance with the Municipality's Building By-law;

Clarification of "use" or "occupancy"

- 3 For the purposes of this by-law, a Building is not being used or occupied solely by reason of:
- (a) the presence of individuals in the Building without the consent of the Owner;
 - (b) the existence of equipment or stock in trade within a Building or the occasional operation of such equipment; or
 - (c) the presence of individuals in the Building or their use of the Building in violation of:
 - (i) a health hazard order issued under *The Public Health Act*; or
 - (ii) another order issued under an Act or by-law prohibiting the occupancy or use of the Building.

PART II – FIRE SAFETY PLAN

Fire Safety Plan

- 4(1) The Owner of:
- (a) a Building to which Part 3 of the Code applies; or
 - (b) a Building to which Part 9 of the Code applies and in which a fire alarm or sprinkler system has been installed
- must submit a fire safety plan to the Designated Officer within ninety (90) days following the Building being identified as vacant.
- 4(2) A fire safety plan required under subsection (1) must:
- (a) describe the Building, including details such as the square footage, number of stories, basic floor plans for each floor, and type of previous occupancies;
 - (b) identify the fire protection systems in the Building as well as the location of fire department connections and hydrants;
 - (c) identify access routes and Building openings for firefighters and their equipment and specific actions necessary to maintain such access;
 - (d) provide names and telephone numbers of persons responsible for the Building and its maintenance, as well as contact names and numbers for emergency purposes; and
 - (e) specify the actions the Owner proposes to take to ensure compliance with this by-law, other applicable by-laws and other applicable legislation or regulations.

PART III - MAINTENANCE OF VACANT BUILDINGS

Maintenance of Vacant Buildings

- 5 The Owner of a Vacant Building must:
- (a) maintain the Vacant Building in compliance with the standards set out in Schedule "A"; and
 - (b) obtain a Vacant Building Certificate.

Vacant Building Certificate

- 6 A Vacant Building Certificate:
- (a) may be obtained by the Owner at any time; and
 - (b) must be obtained by the Owner within ninety (90) days following notification to the Owner by the Designated Officer that the Building has been identified as vacant.
- 7 A Vacant Building Certificate is valid for a period of one year following the date of issuance, and the Owner may apply to the Municipality on an annual basis for such Vacant Building Certificate to be renewed for a further one year period.
- 8 The Owner shall pay all designated fees and charges, including inspection fees, prior to the issuance by the Municipality of a Vacant Building Certificate or any renewal thereof.

Securing Vacant Buildings

- 9 The Owner of a Vacant Building must ensure that the Vacant Building is secure from unauthorized entry by ensuring that:
- (a) all exterior doors to the Vacant Building are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
 - (b) all windows are either permanently sealed or locked so as to prevent entry;
 - (c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the Vacant Building; and
 - (d) all windows are in good repair and properly glazed.

Inspection of Vacant Buildings

- 10 In addition to any other inspections of a Vacant Building to enforce or administer this by-law, Designated Officers are authorized to conduct full inspections of the exterior and interior of a Vacant Building to determine compliance with Schedule A. The Owner must pay any inspection fee as designated in the Municipality's fee schedule or by-law.

PART III – MAINTENANCE OF BOARDED BUILDINGS

Boarded Buildings

- 11 Where a Vacant Building does not meet the standards referred to in Section 4, the Designated Officer may issue an Order to the Owner of the Vacant Building requiring the Vacant Building to be brought into compliance with the standards set out in Schedule B.
- 12 The Owner of a Vacant Building must not allow it to be boarded unless a Boarded Building Permit or a Boarded Building Exemption Certificate applies to the Building and the Building complies with Schedule "B". If a Boarded Building Permit or Boarded Building Exemption Certificate has not been issued in respect of the Building or has expired, the Owner of the

Vacant Building must secure it in compliance with section 9.

Maintenance/Securing of Boarded Buildings

- 12 Unless a Boarded Building Exemption Certificate has been issued under section 16, the Owner of a Boarded Building must:
- (a) comply with the standards set out in Schedule "B"; and
 - (b) obtain a Boarded Building Permit.

Boarded Building Permit

- 13 A Boarded Building Permit:
- (a) must be obtained by the Owner within twenty-one (21) days following issuance of the Order pursuant to section 11; and
 - (b) may be obtained by the Owner upon payment of any application or permit fee as designated in the Municipality's annual fee schedule or by-law.

The Owner must provide an address for service of notices and orders during the period that the Boarded Building Permit is valid and thereafter, provide prompt notice of any change in the address given for service.

- 14 A Boarded Building Permit is valid for a period of one year following the date of issuance, and is automatically transferred to the next owner of the Building. An Owner may apply to the Municipality on an annual basis for such Boarded Building Permit to be renewed for a further one-year period.
- 15 The Owner shall pay all designated fees and charges, including inspection fees, prior to the issuance by the Municipality of a Boarded Building Permit or any renewal thereof.

Boarded Building Exemption Certificate

- 16(1) The Owner of a Vacant Building that is being constructed or renovated is not required to obtain a Boarded Building Permit and is entitled instead, upon application, to be issued a Boarded Building Exemption Certificate which authorizes the boarding at no charge if the Designated Officer determines that:
- (a) boarding is reasonably required in order to permit construction or renovation of, in or on the Building to take place;
 - (b) an application for a building permit in respect of the construction or renovation was made before the Building was boarded; and
 - (c) the construction or renovation is likely to proceed at a reasonable pace to the point where the boards can be removed.
- 16(2) Notwithstanding subsection (1), where the Designated Officer determines that boarding of the Vacant Building is no longer reasonably required in order to permit construction or renovation or if the Designated Officer determines that construction or renovation is not proceeding at a reasonable pace, the Designated Officer shall revoke the Boarded Building Exemption Certificate, at which point the Owner of the Vacant Building must either:
- (a) obtain a Boarded Building Permit; or
 - (b) remove the boards and secure the Building in compliance with section 9.

Inspection of Boarded Buildings

- 17 In addition to any other inspections of a Boarded Building to enforce or administer this by-law, Designated Officers are authorized to conduct full inspections of the exterior and interior of a Boarded Building to determine compliance with Schedule B. The Owner must pay any inspection fee as designated in the Municipality's fee schedule or by-law.

PART IV - ORDER TO MAINTAIN

Issuance of Order

- 18(1) Any Inspector, duly appointed and authorized for the purpose, may, at all reasonable times, without the consent of the Owner or occupier 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:
- (a) whether the Building is vacant; and
 - (b) whether the Building complies with this by-law.
- 18(2) If as a result of the inspection of any Vacant Building or Boarded Building, an Inspector is satisfied that the Vacant Building or Boarded Building does not comply to Schedule "A" or Schedule "B", as applicable, the Inspector may issue an Order to Maintain, in the form set out in Schedule "C" hereto and subject to an order issuance fee as designated in the Municipality's fee schedule or by-law, a copy of which shall be served on the Owner by personal service or by certified or registered mail to the address as shown on the latest assessment roll of the Municipality. When service cannot be effected either by personal service or by certified or registered mail, then such Order to Maintain and/or placard may be posted on the property subject to the Order to Maintain.
- 18(3) If, upon attempt to effect service of an Order to Maintain hereunder an Inspector learns the Owner of the property is deceased, the Order to Maintain shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located, service shall be effected by posting the Order to Maintain and/or placard on the property subject to the Order to Maintain.
- 18(4) The Order to Maintain shall contain:
- (a) a description of the land, Building or premises sufficient to identify the property;
 - (b) the particulars of each Non-Conformance and the date by which each Non-Conformance must be corrected;
 - (c) except in the case of an immediately dangerous Non-Conformance, the final date for giving notice of objection from the Order to Maintain;

and may also contain an outline of what action may be taken to make the Vacant Building or Boarded Building conform to Schedule "A" or Schedule "B", as applicable, and any other information that the Inspector deems necessary.

- 18(5) Except in the case of an immediately dangerous Non-Conformance, the date by which the Non-Conformance shall be corrected shall be a minimum of twenty-one (21) days from the date of service of the Order to Maintain. If the Order to Maintain is served by mail, the Order to Maintain shall be deemed to have been served and received by the Owner on the day of the date of receipt thereof shown on the "Acknowledgement of Receipt" form issued by the Canada Post Office or "Proof of Delivery" form signed by the person acknowledging receipt thereof.
- 18(6) The Designated Officer may postpone the last day when a Non-Conformance must be corrected as specified in the Order to Maintain only upon the Owner showing that he is making reasonable efforts to correct the Non-Conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the Non-Conformance occurs. Any postponement of the last day for compliance does not extend the initial fourteen (14) day period for appealing the Order to Maintain; however, the Owner does have seven (7) days from the date the postponement was granted to

appeal the duration of the postponement.

Right to Appeal

- 19(1) Except in the case of an immediately dangerous Non-Conformance, the Owner, or a person authorized in writing to act on behalf of the Owner, may appeal to Council any provision of an Order to Maintain issued under Section 18 by filing with the Chief Administrative Officer a Notice of Objection within fourteen (14) days following receipt of the Order to Maintain.
- 19(2) Except in the case of an immediately dangerous Non-Conformance, the filing of a Notice of Objection to an Order to Maintain or any provision thereof shall operate as a stay of proceedings to correct a hazardous or non-hazardous Non-Conformance pending consideration of the appeal by Council.
- 19(3) Any failure to comply with a decision or order of Council is an offence subject to the penalty provisions set forth in the by-law.

Non-Compliance

- 20(1) Where an Owner has failed to comply with an Order to Maintain either of an Inspector or an Order made by the Council, as the case may be, then the Municipality may choose to prosecute the non-compliance or the Designated Officer may cause the Non-Conformance to be corrected without any further notice to the Owner. The entire costs of correcting the Non-Conformance, which can and may include, but are not limited to legal fees, disbursements and administrative fees, are considered an amount owing to the Municipality pursuant to provisions of *The Municipal Act* and may be collected by the Municipality in the same manner as a tax may be collected or enforced in accordance with *The Municipal Act*.
- 20(2) In the case of an immediately dangerous Non-Conformance, the Designated Officer may take whatever actions or measures are necessary to eliminate the Non-Conformance pursuant to Section 247 of *The Municipal Act*.

PART V – DERELICT BUILDING ORDERS

Preliminary Derelict Building Order

- 21 A Designated Officer shall issue a Preliminary 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 this by-law; and
 - (b) the property continues to be in contravention of the by-law.

Form of Order

- 22 A Preliminary Derelict Building Order must be issued in the form set out in Schedule "D" hereto, and must include:
 - (a) the legal description of the property;
 - (b) a statement that the property is a Derelict Property; and
 - (c) a statement that the property may be transferred to the Municipality if it is not brought into compliance with this by-law.

Service

- 23 The Designated Officer who issues a Preliminary Derelict Building Order must ensure that a copy of the Order is:
 - (a) promptly registered against the Derelict Property at The Property Registry; and
 - (b) personally served on the registered Owner of the Derelict Property and on every other person who, on the day the order is registered at The Property Registry,

appears from the records to have an interest in the property.

Time Frame for Compliance

- 24 The Registered Owner shall be required to bring the property into compliance with this by-law within ninety (90) days after the Preliminary Derelict Building Order has been served on the registered Owner.

Right to Appeal

- 25 Any person served with a Preliminary Derelict Building Order may appeal the Order to Council. The appeal must be made in writing and must be received by the Chief Administrative Officer of the Municipality within ninety (90) days following service of the Order on the registered Owner.

Second Notice of Preliminary Order

- 26(1) A second notice of the Preliminary Derelict Building Order may be issued by the Designated Officer if a property continues to remain a Derelict Property for more than thirty (30) days following the day on which the Preliminary Derelict Building Order was served on all persons required to be served under Section 23.

- 26(2) The second notice of the Preliminary Derelict Building Order must be issued in the form set out in Schedule "E" hereto, and must include:

- (a) the legal description of the property;
- (b) a statement that the property continues to be a Derelict Property;
- (c) a statement that if the property is not brought into compliance with this by-law within sixty (60) days, title to the above noted property may be issued in the name of the Municipality and the persons being served may be forever estopped and debarred from setting up any claim to or in respect of the property; and
- (d) a statement that the person served with the notice has the right to have Council review the Preliminary Building Order or the time period set out to bring the property into compliance, which request to have Council review the Order must be made within sixty (60) days after the second notice is served.

- 26(3) The Designated Officer must ensure that a copy of the second notice is:

- (a) promptly registered against the Derelict Property at The Property Registry; and
- (b) personally served on the registered Owner of the Derelict Property and on every other person who, on the day the order is registered at The Property Registry, appears from the records to have an interest in the property.

Application for Derelict Building Certificate

- 27(1) A Designated Officer may apply to Council for a Derelict Building Certificate if:

- (a) a Preliminary Derelict Building Order and a second notice have been issued, registered and served in accordance with the provisions contained herein;
- (b) the time period for bringing the property into compliance with this by-law provided in the second notice of the Preliminary Derelict Building Order has expired;
- (c) the appeal period has expired, or Council has reviewed the Order and confirmed or varied the Order, but the order as varied, has not been complied with; and
- (d) the Designated Officer is satisfied that the property continues to be in contravention of this by-law.

- 27(2) When applying for a Derelict Building Certificate, a Designated Officer must provide to Council a completed and sworn or affirmed statutory declaration in the form set out in Schedule "F" hereto.

- 27(3) Council, upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue the certificate if there is evidence that the property continues to be a Derelict Property; and in the opinion of Council, there is a satisfactory plan for redeveloping the property.

Application for Title

- 28(1) When a Derelict Building Certificate is issued, the Designated Officer may:
- (a) register the certificate against the Derelict Property at The Property Registry; and
 - (b) apply to the District Registrar for title to the Derelict Property to be issued in the name of the Municipality.
- 28(2) Application for title must be made within one hundred and twenty (120) days after Council issued the Derelict Building Certificate.

PART VI - GENERAL

General Offence and Penalty

- 29(1) Every person who contravenes, or refuses, neglects, omits, or fails, to obey or observe any provision of this by-law is guilty of an offence and liable on summary conviction to a fine, pursuant to subsection 249(1) of *The Municipal Act*, not exceeding Five Hundred Dollars (\$500) or to imprisonment for a term not exceeding three (3) months, or to both such a fine and such an imprisonment.
- 29(2) Every person who obstructs or interferes with an Inspector in the performance of his duties under this by-law is guilty of an offence and is liable on summary conviction to the same penalties as set out in subsection (a) above.
- 29(3) Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
- 29(4) A fine imposed for contravening this by-law must be paid to the Municipality.

Conflict with Other By-laws

- 30 Where a provision of this by-law conflicts with a provision of another by-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Repeal

31(1) This by-law shall come into full force and take effect on the day following its third reading.

DONE AND PASSED by the Council of the Gilbert Plains Municipality, in Council duly assembled this 22nd day of February, 2022.

GILBERT PLAINS MUNICIPALITY



Reeve



Chief Administrative Officer

Read a First time this 11th day of January, 2022.
Read a Second time this 22nd day of February, 2022.
Read a Third time this 22nd day of February, 2022.

SCHEDULE "A"

MAINTENANCE STANDARDS FOR VACANT BUILDINGS

1. Re-Occupancy of Vacant Buildings
 - (a) Prior to re-occupancy of a vacant Building for which a Vacant Building Certificate has been issued:
 - (i) the Building must comply, or be made to comply, with the Municipality's Building By-law; and
 - (ii) a Vacant Building Occupancy Certificate must be obtained.
 - (b) A vacant Building may require upgrading to meet the following objectives of the Code prior to re-occupancy:
 - (i) safety;
 - (ii) health;
 - (iii) accessibility for persons with disabilities; and
 - (iv) fire and structural protection of buildings.
 - (c) The Designated Officer may require that a Code analysis of the Building, or a portion thereof, be carried out by a professional Designer licensed to practice in the Province of Manitoba prior to re-occupancy.
2. Heritage Buildings
 - (a) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a Building or structure may be made without conformance to all requirements of the Code when authorized by a Designated Officer, provided:
 - (i) the Building or structure has been designated as a heritage building;
 - (ii) any unsafe conditions as set forth in the Code or this by-law are corrected; and
 - (iii) the restored Building or structure will be no more hazardous with respect to life safety, fire safety and sanitation than the existing Building.
3. Exterior Aesthetic Condition
 - (a) The Designated Officer may require the repair or replacement of any exterior feature should the feature be in a condition that is deemed unsightly. Exterior features include, but are not limited to, the following:
 - (i) exterior parging;
 - (ii) exterior wall finish;
 - (iii) roofs and eaves;
 - (iv) doors and windows;
 - (v) porches, attached/detached garages, stairs, steps or any other feature appurtenant to the property;
 - (vi) decks and patios; and

(vii) fences.

4. Foundation Walls and Foundation Supports

- (a) 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. Where necessary, the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.
- (b) Where any Building is on a surface foundation and the Designated Officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the Building, the Building may be required to be jacked up, floors be levelled, broken or rotted flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the Municipality's Building By-law.
- (c) Basement walls and floors shall be 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.

5. Structurally Sound

- (a) Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.
- (b) Every part of a Building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (c) Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (d) The Designated Officer may require that a structural analysis of the Building, or a portion thereof, be carried out by a professional structural engineer licensed to practice in the Province of Manitoba.

6. Exterior Walls

- (a) Every exterior wall shall be free of holes, breaks, loose, or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the Building. Such defective materials or objects shall be removed, repaired or replaced.
- (b) All exterior surfaces shall be made of materials which provide adequate protection from the weather.
- (c) The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with a protective surface where this is necessary to resist deterioration of the structural surface.

7. Roof

- (a) A roof includes the fascia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the Building. Without limiting the generality of this section, the required maintenance may include the eavestroughing and rainwater piping repair or other means as deemed acceptable by the Designated Officer.
- (b) The protective surface of a roof shall be maintained in good repair; otherwise replacement of the protective surface may be required if deemed necessary by the Designated Officer.

- (c) Dangerous accumulations of snow or ice or both shall be removed from the roof of any Building or part thereof.
8. Dampness
- (a) The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.
9. Doors and Windows
- (a) Every exterior door to a Commercial Building, every door to a commercial unit within a Commercial Building, and every door to a dwelling unit or rooms occupied by boarders or lodgers within a Residential Building, when closed, shall fit reasonably well within its frame and shall have hardware so it is capable of being locked from both inside and outside.
 - (b) All doors to dwelling units or rooms occupied by boarders or lodgers within a Residential Building must allow persons within the respective unit to exit without use of a key and must not be secured with a lock and hasp.
 - (c) All windows intended to be opened shall be equipped with hardware so they are capable of being locked or otherwise secured from the inside of the Building. Every window shall be properly glazed and in good repair.
 - (d) All windows doors, basement or cellar hatchways and their frames shall be constructed and maintained in regard to wall construction, to completely exclude rain and to substantially exclude wind from entering the Building.
 - (e) The Designated Officer may require the repair/replacement of doors, door frames, window frames, sashes casings and door and window hardware or the refitting of doors and windows, installation of weather-stripping and window reglazing.
 - (f) Every opening in an exterior wall used or required for ventilation or illumination, and not protected by a window or door, and may permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or another durable material, or otherwise protected to effectively prevent the entry of rodents or vermin.
10. Screens and Storm Doors – Residential Buildings
- (a) Close fitting screen doors, when provided in a Residential Building, shall be maintained in good condition.
 - (b) Storm sashes used in windows required for ventilating purposes in a Residential Building shall be provided with sliding or hinged sub-sashes or with any other opening device satisfactory to the Designated Officer.
 - (c) Where considered necessary by the Designated Officer, properly fitting storm doors or storm windows shall be provided in a Residential Building.
 - (d) Where storm windows are installed in a Residential Building, such windows shall be kept in good repair and glazed.
11. Porches, Sheds, Stairs
- (a) Every porch, shed and stairway in, on or appurtenant to a property shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.
12. Handrails and Guards
- (a) Every interior stair that has more than two risers shall have the sides of the stair and the landing or floor level around the stairwell enclosed by walls or protected by guards on both sides in the case of Commercial Buildings, compliant with the Code, and in the case of Residential Buildings, at least 900 mm in height on both sides.

- (b) Handrails for stairs shall be not less than 800 mm and not more than 965 mm above a line drawn through the outside edges of the stair nosings and 1070 mm above landings or as per Code requirements, whichever is stricter.
- (c) Every exterior stair with more than three risers and every exterior landing or porch exceeding 600 mm or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof, to which access is provided for other than maintenance purposes, shall be protected by guards on all open sides or as per Code requirements, whichever is stricter.
- (d) In the case of Commercial Buildings:
 - (i) guards around stairs shall be at least 920 mm in height;
 - (ii) guards around exterior stairs and landings more than 10 m above the adjacent ground level shall be at least 1500 mm in height; and
 - (iii) all other guards shall be at least 1070 mm in height or as per Code requirements, whichever is stricter.
- (e) In the case of Residential Buildings:
 - (i) all guards shall be at least 1070 mm high, except for guards within dwelling units, guards within houses with secondary suites, and guards around interior flights of stairs, which shall be at least 900 mm in height above a line drawn through the outside edges of the stair nosings;
 - (ii) guards around exterior stairs and landings not more than 1.8 m above the adjacent ground level shall be at least 900 mm in height; and
 - (iii) guards around exterior stairs and landings more than 1.8 m above the adjacent ground level shall be at least 1070 mm in height.
- (f) Openings through a guard shall be sized to prevent the passage of spherical objects having a diameter of 100 mm or as per Code requirements, whichever is stricter.
- (g) All handrails and guards shall be maintained in good repair and shall be firmly attached to provide adequate protection against accident and injury.

13. Exterior Fire Escapes

- (a) A fire escape may be considered a second and separate means of egress for a Building, provided it is constructed in conformance with the Code.
- (b) An existing fire escape will be acceptable as an exit provided it is in a safe condition as determined by the Designated Officer. If repairs are required, those repairs shall be made in conformance to the Code.
- (c) If a new fire escape is required, it shall be constructed entirely in conformance with the Code. Prior to construction, drawings and material specifications shall be submitted to the Designated Officer for approval.
- (d) Where the construction of a new fire escape or the repair of an existing fire escape is required, the Designated Officer may require that a structural analysis be performed on said fire escape by a professional structural engineer licensed to practice in the Province of Manitoba and that all remedial action cited in the aforementioned structural analysis be completed to the satisfaction of the professional structural engineer.

14. Walls and Ceilings

- (a) Every wall and ceiling in a Building including door jams and stops, baseboards, and other components, shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards. The Designated Officer, where

he deems necessary, may require that any of the aforementioned components be renewed.

- (b) In the case of Residential Buildings, waterproof wall finish shall be provided:
 - (i) to a height of at least 1.8 m above the floor in shower stalls;
 - (ii) to a height of at least 1.2 m above the rims of bathtubs equipped with showers; and
 - (iii) to a height of at least 400 mm above the rims of bathtubs not equipped with showers.

Acceptable waterproof wall finishes include ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets, or linoleum.

15. Floors

- (a) Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of holes or cracks and other defects that could be fire or accident hazards, and shall be maintained in a clean and sanitary condition.
- (b) Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.
- (c) In the case of Commercial Buildings, any vertical opening in a floor, including but not limited to, service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

16. Sewage and Drainage

- (a) No roof drainage or surface drainage shall be discharged on stairs or neighboring property, all such drainage shall be conveyed so that it does not cause dampness in the walls, ceilings, or floors of any portion of the Building itself or any adjacent Building.
- (b) Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

17. Maintenance of Yards

- (a) A yard shall be kept free and clean from:
 - (i) rubbish, garbage, and other debris;
 - (ii) wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and
 - (iii) objects and conditions, including holes and excavations, that are health, fire or accident hazards.
- (b) A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.
- (c) Vegetation in yards surrounding vacant Buildings must be kept trimmed or in a manner that is satisfactory to the Designated Officer.

18. Walks

- (a) 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.
- (b) Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

19. Fences and Accessory Buildings

- (a) All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

20. Unsafe Conditions and Dangerous Buildings

- (a) When a Building or structure or part thereof, or a well, excavation, or opening, is in an unsafe condition, the Designated Officer may proceed to take action pursuant to the provisions contained in the Municipality's Building By-law as it relates to unsafe conditions.

21. Hazardous Conditions

- (a) No Building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by the designated officer of the Municipality's Fire Department under authority of a written permit issued by him.

22. Hazardous Materials

- (a) The Owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the Designated Officer as per the Manitoba *Workplace Safety and Health Act* & Regulations.

23. Heating Requirement

- (a) Vacant Commercial Buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius unless an assessment performed by a professional structural engineer licensed to practice in the Province of Manitoba has deemed it acceptable and safe for the building to remain without heat.
- (b) Vacant Residential Buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius.
- (c) Any space within a Residential Building containing fuel-burning equipment shall have a natural or mechanical means of supplying fresh air for combustion and shall be vented in compliance with the Code.
- (d) All chimneys, smoke pipes and flues of a Residential Building shall not permit any gases, water or other liquid to leak into the Residential Building, shall be clear of obstructions and shall have no defective masonry or metal components.
- (e) Where a heating system or part of a heating system in a Residential Building burns solid or liquid fuel, a receptacle approved by the Government of Manitoba's Department of Labour for the storage of fuel must be provided and maintained in a location that is free from fire or other hazards.
- (f) A Designated Officer may require that a Certificate of Approval from Manitoba Hydro be provided for a fuel-burning appliance.
- (g) Every fireplace used or intended to be used in a Residential Building for burning fuels in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- (h) Solid fuel burning appliances must comply with the latest standards referenced in the Code.

24. Gas and Open Flame Appliances

- (a) All appliances within a Building using open flames such as gas stoves, gas water heaters or other gas appliances must be in good repair and shall be provided with suitable exhaust piping or flues or other adequate means for the removal of the products of combustion.

25. Ventilation

- (a) Every basement, cellar, crawl space or similar enclosed space within a Building must be ventilated sufficiently to prevent the occurrence of mold, mildew and condensation and shall provide an exchange of fresh air.
 - (b) All open or enclosed spaces within a Building shall be adequately ventilated, and access of sufficient size to permit entry shall be provided.
26. Plumbing
- (a) All plumbing in a Building including but not limited to plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system shall be protected from freezing, shall be maintained in good working order. All plumbing shall be free from leaks and defects and meet the requirements of the Municipality's Building By-law.
27. Electrical Services
- (a) Buildings shall be hardwired to an electrical supply system. A continuous supply of hardwired electric power must be available to all areas of the Building which shall include, but will not be limited to, the minimum lighting requirements deemed necessary by the Code.
 - (b) The capacity of the electrical service to the Building, and the system of circuits distributing the electrical service throughout the Building, shall be adequate for the actual or intended use of the Building. The Designated Officer may require that a Certificate of Approval from Manitoba Hydro be provided for the Building.
28. Fire Protection Systems
- (a) In the case of Commercial Buildings, a Fire Protection System must remain operational and be connected to an approved fire signal receiving centre in compliance with CAN/ULC-S561-03, adopted and published by the Underwriter's Laboratories of Canada, so that the Municipality's Fire and Emergency Services Department is notified of a fire alarm activation in the Commercial Building.
29. Smoke Alarm and Carbon Monoxide Alarm Systems
- (a) All Residential Buildings used as revenue earning or rental dwelling units shall contain at least one smoke alarm or carbon monoxide alarm certified by the Underwriter's Laboratories of Canada or Canadian Standards Association.

SCHEDULE B

SECURITY REQUIREMENTS FOR BOARDED BUILDINGS

1. The Owner of a Boarded Building must ensure that the following requirements are met:
- (a) all doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 11 millimeters in length and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
 - (b) the principal entrance must be covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;
 - (c) windows, doors and other openings at the second-floor level must be covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;
 - (d) windows, doors and other openings at the third floor level or higher must be either:
 - (i) secured in accordance with section 4 of this by-law; or
 - (ii) covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

- (e) windows, doors and other openings at the third floor level or higher may be secured from inside the Building, whereas plywood applied to all other openings must be secured from the exterior;
- (f) plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint;
- (g) plywood applied to openings must be installed and maintained as follows:
 - (i) for conventional, wood framed windows, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual frame of the window;
 - (ii) for windows that have components that are flush with the face of the brickmould (ie. wood storm windows), the plywood must be installed on top of the sill and flush with the outer edge of the brickmoulds on the sides and top with fasteners penetrating the face of the brickmoulds;
 - (iii) for windows that have components that protrude past the face of the brickmould (ie. aluminum storm windows), the brickmoulds must be built out flush to the outer edge of the brickmoulds with solid, dimensional lumber, painted white, as required to clear the protruding window components. The plywood shall then be installed on top of the sill (where possible) and flush with the outer edge of the built-up frame;
 - (iv) for PVC windows, the area directly adjacent to the outer edge of the PVC brickmould and sill must be framed with solid, dimensional lumber, painted white, as required to clear the PVC components. The plywood must then be installed flush with the outer edge of the built-up frame;
 - (v) for conventional doors with storm doors, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual door jamb and header of the door. A hole must be cut in the plywood just large enough for the door hardware to protrude;
 - (vi) for entrance doors with storm doors, the area directly adjacent to the outer edge of the brickmould and sill must be framed out with solid, dimensional lumber, painted white, as required to clear all storm door components. The plywood must then be installed flush with the outer edge of the built-up frame. A hole must be cut in the plywood just large enough for the door hardware to protrude where necessary;
- (h) all floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to the Designated Officer.;
- (i) all areaways must be adequately secured either by filling them with concrete or unshrinkable fill or covering the opening to them with a metal plate of at least 8 millimeters thick and securing it so as to prevent it from shifting;
- (j) electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms; and
- (k) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to the Designated Officer.

SCHEDULE C

ORDER TO MAINTAIN

TO: {NAME & ADDRESS OF REGISTERED OWNER} as registered owner

FROM: GILBERT PLAINS MUNICIPALITY

PURSUANT to the Gilbert Plains Municipality Vacant and Derelict Building By-law No. _____ an Inspector for the Gilbert Plains Municipality inspected the land, building and premises commonly known as:

{CIVIC ADDRESS},

in the Gilbert Plains Municipality, in Manitoba, said property being legally described as:

{LEGAL DESCRIPTION and ROLL NUMBER}

the registered owner of the said property being:

{NAME OF REGISTERED OWNER}

and as a result of this inspection, the Inspector is satisfied that the land, building, and premises do not comply with the standards prescribed in the said By-law in that:

{LIST OF NON-COMPLIANCE ITEMS}

The above are contraventions of Section(s):

{LIST SECTION NUMBERS OF BY-LAW CONTRAVENTIONS}

PURSUANT to SECTION 16 of the said By-law, {NAME OF INSPECTOR} (designated officer), being an Inspector of the Gilbert Plains Municipality herewith orders you to bring the property into conformity with the provisions of the said by-law and herewith orders you to bring the said property into conformity with the provisions of the said by-law within _____ days from the date of service of this Order.

{A BUILDING PERMIT UNDER THE MUNICIPALITY'S BUILDING BY-LAW WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THE VACANT AND DERELICT BUILDING STANDARDS BY-LAW.}

PURSUANT to SECTION 19 of the said by-law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any provisions hereof by filing with the Municipal Clerk, a NOTICE OF OBJECTION within FOURTEEN (14) DAYS following the service of this Order.

SECTION 20 of the said by-law provides:

"Where an owner has failed to comply with an Order either of an inspector or an Order made by Council, as the case may be, then the Authority having jurisdiction may cause the non-conformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance are considered an amount owing to the Municipality as per provisions of The Municipal Act and shall be added to the taxes of the owner."

SIGNED at the Gilbert Plains Municipality in Manitoba, this day of _____ A.D. 2021.

GILBERT PLAINS MUNICIPALITY

Per: _____

DESIGNATED OFFICER

SCHEDULE D

PRELIMINARY DERELICT BUILDING ORDER

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as _____ {CIVIC ADDRESS} in the Gilbert

Plains Municipality:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant and Derelict Buildings By-law No. _____, on _____{DATE};

AND WHEREAS I am satisfied on the basis of the inspection of the above-noted property by an enforcement officer with authority to enforce the Vacant and Derelict Buildings By-law that the property continues to be in contravention of the Vacant and Derelict Buildings By-law;

THEREFORE, TAKE NOTICE THAT

The above-noted property is a derelict property as defined in *The Municipal Act* of Manitoba.

The above-noted property may be transferred to the Gilbert Plains Municipality if it is not brought into compliance with the Vacant and Derelict Building By-law within ninety (90) days after this Order has been served on the registered owner.

AND FURTHER TAKE NOTICE THAT

You may have a right to appeal this Order to the Council of the Gilbert Plains Municipality. Your appeal must be in writing and must be received by the Chief Administrative Officer of the Municipality, at {INSERT FULL ADDRESS}, within ninety (90) days after this order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant and Derelict Building By-law No. _____ please contact _____ at 204 _____ - _____.

Designated Officer

Date

SCHEDULE E

SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as _____ {CIVIC ADDRESS} in the Gilbert Plains Municipality:

WHEREAS a Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ {DATE} (copy attached);

AND WHEREAS more than thirty (30) days have passed since all the persons required by *The Municipal Act* of Manitoba to be served with a copy of the Preliminary Derelict Building Order were served with a copy of the Order;

AND WHEREAS the property continues to remain a derelict property in that it is not in compliance with the Vacant and Derelict Building By-law;

THEREFORE TAKE NOTICE THAT:

Unless the above-noted property is brought into compliance with the Vacant and Derelict Building By-law within sixty (60) days after this Second Notice is served on the registered owner of the property and the interested persons on whom it is required to be served

- Title to the above-noted property may be issued in the name of the Gilbert Plains Municipality; and
- You may be forever estopped and debarred from setting up any claim to or in respect of the property.

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for bringing the property into compliance with the Vacant and Derelict Building By-law No. _____ to Council of the Municipality. Your appeal must be in writing and must be received by the Chief Administrative Officer of the Municipality, at {INSERT FULL ADDRESS}, within sixty (60) days after this order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant and Derelict Buildings By-law No. _____ please contact _____ at 204 _____ - _____.

Designated Officer

Date

SCHEDULE G

STATUTORY DECLARATION

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as _____ {CIVIC ADDRESS} in the Gilbert Plains Municipality:

I, _____, a Designated Officer for the purposes of the Vacant and Derelict Building By-law No. _____,

MAKE OATH (OR AFFIRM) AND SAY THAT

- A Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ {DATE} (Exhibit A) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ {DATE} (Exhibit B). Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at The Property Registry and have been served in accordance with *The Municipal Act* of Manitoba.

- The time period for bringing the above-noted property into compliance with the Vacant and Derelict Building By-law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.
- The time period within which an appeal against the Preliminary Derelict Building Order may be taken has expired or, if an appeal against the Order was taken, the appeal has been decided and the decision either (a) confirmed the Order or (b) varied the Order but the person has not complied with the Order as varied.
- I am satisfied on the basis of inspections carried out by me or by other employees of the Gilbert Plains Municipality who are authorized to enforce the Vacant and Derelict Building By-law that the property continues to be in contravention of the By-law.

Sworn or affirmed before me this ____ day of)
 _____, 20____, in the _____ of)
 _____ in the Province of)
 Manitoba.)
)
)

 Commissioner for Oaths in and for the
 Province of Manitoba.
 My Commission expires:
 Name:
 Phone:

 Designated Officer