



PLANNING, PROPERTY
& DEVELOPMENT
DEPARTMENT

A Guide to the Vacant and Derelict Buildings By-law 35/2004

***A By-law to establish a system to
regulate the condition and
maintenance of vacant buildings
and establish a process to take
title to derelict buildings***

July 2004

Copies of the by-law may also be obtained at:

City Clerk's Office
Council Building, 510 Main Street
PH: (204) 986-2171
FAX: (204) 947-3452

www.winnipeg.ca/clerks

Every effort has been made to ensure the accuracy of information contained in this booklet. However, this booklet is not the By-law. It is your responsibility to comply with the By-law as enacted.

The Vacant and Derelict Buildings By-law No. 35/2004 comes into effect on July 1st, 2004

What is the objective of The Vacant and Derelict Buildings By-law?

The goal of the By-law is to ensure that vacant buildings meet basic standards of maintenance so that they do not detract from neighborhoods, the City as a whole, and do not pose an undue hazard for firefighters or the general public.

What types of properties are covered by this By-law?

The By-law affects all buildings that are vacant. A vacant building is defined as any residential or non-residential building that is not being used or occupied. A building is not considered as being used or occupied solely by reason of equipment storage or unauthorized trespass.

What are the By-law requirements for each vacant building?

The owner of a vacant building must ensure that the building is maintained to the standards set out in the By-law and is secure from unauthorized entry. The Fire Prevention Branch must inspect vacant buildings annually. The fees for the annual inspection are \$100.00 for dwellings and \$500.00 for commercial and all other types of buildings. Owners are also required to file a fire safety plan with the Fire Prevention Branch for all non-residential and multi-family residential buildings within 60 days of the building becoming vacant.

What is involved in maintaining a vacant building?

Schedule “A” of the By-law sets out basic standards of maintenance for the exterior and interior of vacant buildings and for the yards surround-



ing them. It covers such things as exterior walls, roofs, foundations, porches, stairs, guards, balustrades, handrails, floors, walls and ceilings, fire protection systems, walks, driveways, fences and accessory buildings, the requirement to file a fire safety plan, and storage of combustible materials.

What is involved in securing a vacant building from unauthorized entry?

In securing a vacant building, the owner has 2 choices. One option is to ensure that:

- a) every exterior door to the building is operational, fits tightly within its frame when closed and is 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 structure;
- d) every window is kept in good repair, and properly glazed.

The second option is to board up all openings to the building.

What are the requirements for vacant buildings that are boarded?

If an owner chooses to board a building rather than securing the building more conventionally, he or she must still meet all the maintenance requirements set out in Schedule “A”. In addition, the owner must comply with the requirements set out in Schedule “B” for boarded buildings. Finally, if the building is boarded up the owner must obtain a boarded building permit.

For Schedule A & B please see By-law document at
www.winnipeg.ca/clerks/pdfs/bylaws/2004/35.2004.pdf

What does Schedule B require?

Schedule B has specific requirements for boarding up all doors, windows, and other openings. It also requires the owner to maintain electricity, natural gas and water where necessary to maintain fire protection or fire alarm systems.

How much does a permit for a boarded Building Permit cost and how long does it last?

For residential buildings, and so long as the owner provides an address for contact and keeps his or her buildings in compliance with the By-law, he or she is entitled to three boarded building permits within a five-year period. The first permit costs \$10.00, the second permit costs \$200.00, and the third permit costs \$800.00. Each permits lasts for 6 months.

For commercial buildings, and also so long as the owner provides an address for contact and keeps his or her buildings in compliance with the By-Law, the number of boarding permits is unlimited. The first permit costs \$200.00, the second permit costs \$800.00, the third permit \$1500.00, the fourth permit costs \$3000.00, and the fifth and each subsequent permit costs \$1500.00 more than the subsequent permit. Each permit lasts for 1 year.



Is there a penalty for failing to obtain a boarding-up permit?

An owner who lacks a valid permit for a boarded building is guilty of an offence. The minimum fine for the offence is \$2000.00.

Are there provisions for the City to enter vacant buildings?

An enforcement officer is entitled to inspect a vacant building with the consent of the owner to determine whether it complies with this By-law. If the owner cannot be located or refuses to give consent, the officer can apply for an entry warrant.

Alternatively, the enforcement officer can send a notice to the owner indicating that an inspection will take place on a specific date and time. The owner is entitled to object to this entry and the Director of Planning, Property and Development or Fire Paramedic Chief will rule on the merits of the objections.

What happens when the City determines that a building does not comply with this By-law?

The City is entitled to prosecute the owner for failing to keep the building in compliance with the By-law. More typically, an enforcement official will issue an order specifying the points of non-compliance with the By-law and the date by which the building must be brought into compliance with this By-law. A failure to comply with the order is an offence.

What action will the City take when there is non-compliance with an order?

In addition to prosecuting the owner for failing to comply with an order, the City may take steps to bring the building into compliance with the By-law. After providing notice to the owner, the City may also have the building demolished. The costs of either action will be added to the property taxes. Additionally, the City may proceed with the process established in the By-law to declare the building as derelict and proceed to take title ownership without compensation to the owner.

What is the penalty for failing to comply with this By-law?

The minimum fine for a first offence under the By-law is \$500.00. The minimum fine for a second offence is \$1000.00 and a third offence is subject to a fine of at least \$2000.00

Who enforces the By-law?

The by-law is administered and enforced jointly by the Planning, Property and Development Department and Fire Paramedic Services. The Fire Prevention Branch enforces the maintenance standards set out in Schedule “A” and requirement for an annual inspection. The Existing Buildings Branch enforces the security and structural requirements of Schedule “B”.

How do I file a complaint about a vacant or derelict building?

Contact the Fire Prevention Branch by either phone at 986-6358, fax at 986-6198 or by email at: FPS-fp-Inspections@winnipeg.ca



For more information on the Vacant Dwellings By-law please contact either:

Housing and Existing Buildings Branch

Planning, Property & Development Department
4th Floor 65 Garry Street,
WINNIPEG, Manitoba, R3C 4K4

PH: (204) 986-5300

FAX: (204) 942-2008

www.winnipeg.ca/ppd

or

The Fire Prevention Branch

Fire Paramedic Service,
604 St. Mary's Road,
WINNIPEG, Manitoba, R2M 3L5

PH: (204) 986-6358

FAX: (204) 986-6198

email: FPS-fp-Inspections@winnipeg.ca